

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 596

AN ACT

To repeal sections 94.660, 226.527, 226.530, 226.580, 227.107, 238.202, 238.207, 238.208, 238.210, 238.225, 238.230, 238.275, 301.010, 301.030, 301.040, 301.131, 301.150, 301.301, 301.310, 301.420, 301.440, 301.640, 301.716, 302.010, 302.272, 302.275, 302.321, 302.545, 302.700, 302.720, 302.755, 302.775, 303.415, 304.015, 304.022, 304.070, 304.170, 304.180, 304.230, 304.281, 307.010, 307.015, 307.090, 307.100, 307.120, 307.125, 307.155, 307.172, 307.173, 307.179, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 390.030, 390.071, 390.136, 407.730, 407.732, 407.815, 556.021, 577.029, 577.039, and 622.095, RSMo, and to enact in lieu thereof ninety-one new sections relating to transportation, with penalty provisions, an effective date for certain sections, and an emergency clause for certain sections.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Sections 94.660, 226.527, 226.530, 226.580,  
2   227.107, 238.202, 238.207, 238.208, 238.210, 238.225, 238.230,  
3   238.275, 301.010, 301.030, 301.040, 301.131, 301.150, 301.301,  
4   301.310, 301.420, 301.440, 301.640, 301.716, 302.010, 302.272,  
5   302.275, 302.321, 302.545, 302.700, 302.720, 302.755, 302.775,  
6   303.415, 304.015, 304.022, 304.070, 304.170, 304.180, 304.230,  
7   304.281, 307.010, 307.015, 307.090, 307.100, 307.120, 307.125,  
8   307.155, 307.172, 307.173, 307.179, 307.195, 307.198, 307.365,  
9   307.375, 307.390, 307.400, 311.326, 390.030, 390.071, 390.136,

1 407.730, 407.732, 407.815, 556.021, 577.029, 577.039, and  
2 622.095, RSMo, are repealed and ninety-one new sections enacted  
3 in lieu thereof, to be known as sections 94.660, 226.527,  
4 226.530, 226.580, 227.103, 227.107, 227.115, 227.295, 238.202,  
5 238.207, 238.208, 238.210, 238.225, 238.230, 238.275, 301.007,  
6 301.010, 301.029, 301.030, 301.040, 301.131, 301.150, 301.301,  
7 301.310, 301.420, 301.440, 301.640, 301.716, 302.010, 302.272,  
8 302.275, 302.305, 302.321, 302.545, 302.700, 302.720, 302.755,  
9 302.775, 303.415, 304.015, 304.022, 304.032, 304.070, 304.170,  
10 304.180, 304.230, 304.232, 304.281, 307.010, 307.015, 307.090,  
11 307.100, 307.120, 307.125, 307.155, 307.172, 307.173, 307.179,  
12 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326,  
13 385.400, 385.403, 385.406, 385.409, 385.412, 385.415, 385.418,  
14 385.421, 385.424, 385.427, 385.430, 385.433, 385.436, 387.075,  
15 390.030, 390.021, 390.136, 390.372, 407.730, 407.732, 407.815,  
16 488.006, 537.055, 556.021, 577.029, and 577.039, to read as  
17 follows:

18 94.660. 1. The governing body of any city not within a  
19 county and any county of the first classification having a  
20 charter form of government with a population of over nine hundred  
21 thousand inhabitants may propose, by ordinance or order, a  
22 transportation sales tax of up to one percent for submission to  
23 the voters of that city or county at an authorized election date  
24 selected by the governing body.

25 2. Any sales tax approved under this section shall be  
26 imposed on the receipts from the sale at retail of all tangible  
27 personal property or taxable services within the city or county  
28 adopting the tax, if such property and services are subject to

1     taxation by the state of Missouri under sections 144.010 to  
2     144.525, RSMo.

3             3. The ballot of submission shall contain, but need not be  
4     limited to, the following language:

5             Shall the county/city of . . . . . (county's or city's  
6     name) impose a county/city-wide sales tax of . . . . . percent  
7     for the purpose of providing a source of funds for public  
8     transportation purposes?

9             ☐ YES                   ☐ NO

10            Except as provided in subsection 4 of this section, if a majority  
11   of the votes cast in that county or city not within a county on  
12   the proposal by the qualified voters voting thereon are in favor  
13   of the proposal, then the tax shall go into effect on the first  
14   day of the next calendar quarter beginning after its adoption and  
15   notice to the director of revenue, but no sooner than thirty days  
16   after such adoption and notice. If a majority of the votes cast  
17   in that county or city not within a county by the qualified  
18   voters voting are opposed to the proposal, then the additional  
19   sales tax shall not be imposed in that county or city not within  
20   a county unless and until the governing body of that county or  
21   city not within a county shall have submitted another proposal to  
22   authorize the local option transportation sales tax authorized in  
23   this section, and such proposal is approved by a majority of the  
24   qualified voters voting on it. In no event shall a proposal  
25   pursuant to this section be submitted to the voters sooner than  
26   twelve months from the date of the last proposal.

27            4. No tax shall go into effect under this section in any  
28   city not within a county or any county of the first

1 classification having a charter form of government with a  
2 population over nine hundred thousand inhabitants unless and  
3 until both such city and such county approve the tax.

4 5. The provisions of subsection 4 of this section requiring  
5 both the city and county to approve a transportation sales tax  
6 before a transportation sales tax may go into effect in either  
7 jurisdiction shall not apply to any transportation sales tax  
8 submitted to and approved by the voters in such city or such  
9 county on or after August 28, 2007.

10 [5.] 6. All sales taxes collected by the director of  
11 revenue under this section on behalf of any city or county, less  
12 one percent for cost of collection which shall be deposited in  
13 the state's general revenue fund after payment of premiums for  
14 surety bonds, shall be deposited with the state treasurer in a  
15 special trust fund, which is hereby created, to be known as the  
16 "County Public Transit Sales Tax Trust Fund". The sales taxes  
17 shall be collected as provided in section 32.087, RSMo. The  
18 moneys in the trust fund shall not be deemed to be state funds  
19 and shall not be commingled with any funds of the state. The  
20 director of revenue shall keep accurate records of the amount of  
21 money in the trust fund which was collected in each city or  
22 county approving a sales tax under this section, and the records  
23 shall be open to inspection by officers of the city or county and  
24 the public. Not later than the tenth day of each month the  
25 director of revenue shall distribute all moneys deposited in the  
26 trust fund during the preceding month to the city or county which  
27 levied the tax, and such funds shall be deposited with the  
28 treasurer of each such city or county and all expenditures of

1 funds arising from the county public transit sales tax trust fund  
2 shall be by an appropriation act to be enacted by the governing  
3 body of each such county or city not within a county.

4 [6.] 7. The revenues derived from any transportation sales  
5 tax under this section shall be used only for the planning,  
6 development, acquisition, construction, maintenance and operation  
7 of public transit facilities and systems other than highways.

8 [7.] 8. The director of revenue may authorize the state  
9 treasurer to make refunds from the amount in the trust fund and  
10 credited to any city or county for erroneous payments and  
11 overpayments made, and may redeem dishonored checks and drafts  
12 deposited to the credit of such cities or counties. If any city  
13 or county abolishes the tax, the city or county shall notify the  
14 director of revenue of the action at least ninety days prior to  
15 the effective date of the repeal and the director of revenue may  
16 order retention in the trust fund, for a period of one year, of  
17 two percent of the amount collected after receipt of such notice  
18 to cover possible refunds or overpayment of the tax and to redeem  
19 dishonored checks and drafts deposited to the credit of such  
20 accounts. After one year has elapsed after the effective date of  
21 abolition of the tax in such city or county, the director of  
22 revenue shall authorize the state treasurer to remit the balance  
23 in the account to the city or county and close the account of  
24 that city or county. The director of revenue shall notify each  
25 city or county of each instance of any amount refunded or any  
26 check redeemed from receipts due the city or county.

27 226.527. 1. On and after August 13, 1976, no outdoor  
28 advertising shall be erected or maintained beyond six hundred and

1 sixty feet of the right-of-way, located outside of urban areas,  
2 visible from the main traveled way of the interstate or primary  
3 system and erected with the purpose of its message being read  
4 from such traveled way, except such outdoor advertising as is  
5 defined in subdivisions (1) and (2) of section 226.520.

6 2. No compensation shall be paid for the removal of any  
7 sign erected in violation of subsection 1 of this section unless  
8 otherwise authorized or permitted by sections 226.501 to 226.580.  
9 No sign erected prior to August 13, 1976, which would be in  
10 violation of this section if it were erected or maintained after  
11 August 13, 1976, shall be removed unless such removal is required  
12 by the Secretary of Transportation and federal funds required to  
13 be contributed to this state under section 131(g) of Title 23,  
14 United States Code, to pay compensation for such removal have  
15 been appropriated and allocated and are immediately available to  
16 this state, and in such event, such sign shall be removed  
17 pursuant to section 226.570.

18 3. In the event any portion of this chapter is found in  
19 noncompliance with Title 23, United States Code, section 131, by  
20 the Secretary of Transportation or his representative, and any  
21 portion of federal-aid highway funds or funds authorized for  
22 removal of outdoor advertising are withheld, or declared  
23 forfeited by the Secretary of Transportation or his  
24 representative, all removal of outdoor advertising by the  
25 Missouri state highways and transportation commission pursuant to  
26 this chapter shall cease, and shall not be resumed until such  
27 funds are restored in full. Such cessation of removal shall not  
28 be construed to affect compensation for outdoor advertising

1 removed or in the process of removal pursuant to this chapter.

2 4. In addition to any applicable regulations set forth in  
3 sections 226.500 through 226.600, signs within an area subject to  
4 control by a local zoning authority and wherever located within  
5 such area shall be subject to reasonable regulations of that  
6 local zoning authority relative to size, lighting, spacing, and  
7 location; provided, however, that no local zoning authority shall  
8 have authority to require any sign within its jurisdiction which  
9 was lawfully erected and which is maintained in good repair to be  
10 removed without the payment of just compensation.

11 5. When a legally erected billboard exists on a parcel of  
12 property, a local zoning authority shall not adopt or enforce any  
13 ordinance, order, rule, regulation or practice that eliminates  
14 the ability of a property owner to build or develop property or  
15 erect an on-premise sign solely because a legally erected  
16 billboard exists on the property.

17 226.530. 1. The state highways and transportation  
18 commission [is required to] shall issue one-time permanent  
19 permits as provided in section 226.550 for the erection and  
20 maintenance of outdoor advertising along [the interstate and  
21 primary highway systems and] any interstate highway, the federal-  
22 aid primary system as it existed on June 1, 1991, or the national  
23 highway system.

24 2. The commission is authorized to void any permit under  
25 any of the following conditions, and no compensation shall be  
26 paid:

27 (1) When there has been any misrepresentation of a material  
28 fact by the applicant on a permit application and the sign is

1 removed under section 226.580;

2 (2) When the commission determines that a change has been  
3 made to a conforming sign by a sign owner and the sign has been  
4 removed under section 226.580; or

5 (3) When the commission determines that a substantial  
6 change has been made to a nonconforming sign by the sign owner  
7 such that the sign's nonconforming status was terminated and the  
8 sign was removed under the commission's administrative rules for  
9 maintenance of nonconforming signs.

10 3. The commission is also authorized to void any permit  
11 when the commission determines that such permit has been  
12 erroneously issued by department of transportation staff in  
13 violation of any state law or administrative rule and the outdoor  
14 advertising shall be subject to removal and compensation shall be  
15 paid under section 226.570.

16 4. Subject to the provisions of section 226.540, the  
17 commission is authorized to promulgate only those rules and  
18 regulations of minimal necessity and consistent with customary  
19 use to secure to this state any federal aid contingent upon  
20 compliance with federal laws, rules and regulations relating to  
21 outdoor advertising. No rule or portion of a rule promulgated  
22 under the authority of this section shall become effective unless  
23 it has been promulgated pursuant to the provisions of section  
24 536.024, RSMo.

25 226.580. 1. The following outdoor advertising within six  
26 hundred sixty feet of the right-of-way of interstate or primary  
27 highways is deemed unlawful and shall be subject to removal:

28 (1) Signs erected after March 30, 1972, contrary to the



1 provisions of sections 226.500 to 226.600 and signs erected on or  
2 after January 1, 1968, but before March 30, 1972, contrary to the  
3 sizing, spacing, lighting, or location provisions of sections  
4 226.500 to 226.600 as they appeared in the revised statutes of  
5 Missouri 1969; or

6 (2) Signs for which a permit is not obtained or a biennial  
7 inspection fee is more than twelve months past due; or

8 (3) Signs which are obsolete. Signs shall not be  
9 considered obsolete solely because they temporarily do not carry  
10 an advertising message; or

11 (4) Signs that are not in good repair; or

12 (5) Signs not securely affixed to a substantial structure;  
13 or

14 (6) Signs which attempt or appear to attempt to regulate,  
15 warn, or direct the movement of traffic or which interfere with,  
16 imitate, or resemble any official traffic sign, signal, or  
17 device; [or]

18 (7) Signs which are erected or maintained upon trees or  
19 painted or drawn upon rocks or other natural features; or

20 (8) Signs for which a permit was obtained based on a  
21 misrepresentation of a material fact.

22 2. Signs erected after August 13, 1976, beyond six hundred  
23 sixty feet of the right-of-way outside of urban areas, visible  
24 from the main traveled way of the interstate or primary system  
25 and erected with the purpose of their message being read from  
26 such traveled way, except those signs described in subdivisions  
27 (1) and (2) of section 226.520 are deemed unlawful and shall be  
28 subject to removal.

1           3. If a sign is deemed to be unlawful for any of the  
2 reasons set out in subsections 1 to 7 of this section, the state  
3 highways and transportation commission shall give notice either  
4 by certified mail or by personal service to the owner or occupant  
5 of the land on which advertising believed to be unlawful is  
6 located and the owner of the outdoor advertising structure. Such  
7 notice shall specify the basis for the alleged unlawfulness,  
8 shall specify the remedial action which is required to correct  
9 the unlawfulness and shall advise that a failure to take the  
10 remedial action within sixty days will result in the sign being  
11 removed. Within sixty days after receipt of the notice as to  
12 him, the owner of the land or of the structure may remove the  
13 sign or may take the remedial action specified or may file an  
14 action for administrative review pursuant to the provisions of  
15 sections 536.067 to 536.090, RSMo, to review the action of the  
16 state highways and transportation commission, or he may proceed  
17 under the provisions of section 536.150, RSMo, as if the act of  
18 the highways and transportation commission was one not subject to  
19 administrative review. Notwithstanding any other provisions of  
20 sections 226.500 to 226.600, no outdoor advertising structure  
21 erected prior to August 28, 1992, defined as a "structure  
22 lawfully in existence" or "lawfully existing", by subdivision  
23 (1), (2) or (3) of subsection 3 of section 226.550, shall be  
24 removed for failure to have a permit until a notice, as provided  
25 in this section, has been issued which shall specify failure to  
26 obtain a permit or pay a biennial inspection fee as the basis for  
27 alleged unlawfulness, and shall advise that failure to take the  
28 remedial action of applying for a permit or paying the inspection

1 fee within sixty days will result in the sign being removed.  
2 Signs for which biennial inspection fees are delinquent shall not  
3 be removed unless the fees are more than twelve months past due  
4 and actual notice of the delinquency has been provided to the  
5 sign owner. Upon application made within the sixty-day period as  
6 provided in this section, and accompanied by the fee prescribed  
7 by section 226.550, together with any inspection fees that would  
8 have been payable if a permit had been timely issued, the state  
9 highways and transportation commission shall issue a one-time  
10 permanent permit for such sign. Such signs with respect to which  
11 permits are so issued are hereby determined by the state of  
12 Missouri to have been lawfully erected within the meaning of  
13 "lawfully erected" as that term is used in Title 23, United  
14 States Code, Section 131(g), as amended, and shall only be  
15 removed upon payment of just compensation, except that the  
16 issuance of permits shall not entitle the owners of such signs to  
17 compensation for their removal if it is finally determined that  
18 such signs are not "lawfully erected" as that term is used in  
19 Section 131(g) of Title 23 of the United States Code.

20 4. If actual notice as provided in this section is given  
21 and neither the remedial action specified is taken nor an action  
22 for review is filed, or if an action for review is filed and is  
23 finally adjudicated in favor of the state highways and  
24 transportation commission, the state highways and transportation  
25 commission shall have authority to immediately remove the  
26 unlawful outdoor advertising. The owner of the structure shall  
27 be liable for the costs of such removal. The commission shall  
28 incur no liability for causing this removal, except for damage

1 caused by negligence of the commission, its agents or employees.

2 5. If notice as provided in this section is given and an  
3 action for review is filed under the provisions of section  
4 536.150, RSMo, or if administrative review pursuant to the  
5 provisions of sections 536.067 to 536.090, RSMo, is filed and the  
6 state highways and transportation commission enters its final  
7 decision and order to remove the outdoor advertising structure,  
8 the advertising message contained on the structure shall be  
9 removed or concealed by the owner of the structure, at the  
10 owner's expense, until the action for judicial review is finally  
11 adjudicated. If the owner of the structure refuses or fails to  
12 remove or conceal the advertising message, the commission may  
13 remove or conceal the advertising message and the owner of the  
14 structure shall be liable for the costs of such removal or  
15 concealment. The commission shall incur no liability for causing  
16 the removal or concealment of the advertising message while an  
17 action for review is pending, except if the owner finally  
18 prevails in its action for judicial review, the commission will  
19 compensate the owner at the rate the owner is actually receiving  
20 income from the advertiser pursuant to written lease from the  
21 time the message is removed until the judicial review is final.

22 6. Any signs advertising tourist-oriented type business  
23 will be the last to be removed.

24 7. Any signs prohibited by section 226.527 which were  
25 lawfully erected prior to August 13, 1976, shall be removed  
26 pursuant to section 226.570.

27 8. The transportation department state highways and  
28 transportation commission shall reimburse to the lawful owners of

1 any said nonconforming signs that are now in existence as defined  
2 in sections 226.540, 226.550, 226.580 and 226.585, said  
3 compensation calculated and/or based on a fair market value and  
4 not mere replacement cost.

5 227.103. 1. Notwithstanding any other provision of law to  
6 the contrary, the commission is authorized to accept an annual  
7 bid bond for its construction and maintenance projects. The  
8 commission shall prescribe the form and content of an annual bid  
9 bond under the provisions set forth in the Missouri standard  
10 specifications for highway construction, or its successor.

11 2. The commission is authorized to promulgate  
12 administrative rules to administer the provisions of this  
13 section. Any rule or portion of a rule, as that term is defined  
14 in section 536.010, RSMo, that is created under the authority  
15 delegated in this section shall become effective only if it  
16 complies with and is subject to all of the provisions of chapter  
17 536, RSMo, and, if applicable, section 536.028, RSMo. This  
18 section and chapter 536, RSMo, are nonseverable and if any of the  
19 powers vested with the general assembly pursuant to chapter 536,  
20 RSMo, to review, to delay the effective date, or to disapprove  
21 and annul a rule are subsequently held unconstitutional, then the  
22 grant of rulemaking authority and any rule proposed or adopted  
23 after August 28, 2007, shall be invalid and void.

24 227.107. 1. Notwithstanding any provision of section  
25 227.100 to the contrary, as an alternative to the requirements  
26 and procedures specified by sections 227.040 to [227.100]  
27 227.105, the state highways and transportation commission is  
28 authorized to enter into highway design-build project contracts.

1 The authority granted to the state highways and transportation  
2 commission by this section shall be limited to a total of three  
3 design- build project contracts. Two design-build projects  
4 authorized by this section shall be selected by the highways and  
5 transportation commission from 1992 fifteen year plan projects.  
6 Authority to enter into design-build projects granted by this  
7 section shall expire on July 1, 2012, unless extended by statute  
8 or upon completion of three projects, whichever is first.

9 2. For the purpose of this section a "design-builder" is  
10 defined as an individual, corporation, partnership, joint venture  
11 or other entity, including combinations of such entities making a  
12 proposal to perform or performing a design-build highway project  
13 contract.

14 3. For the purpose of this section, "design-build highway  
15 project contract" is defined as the procurement of all materials  
16 and services necessary for the design, construction,  
17 reconstruction or improvement of a state highway project in a  
18 single contract with a design-builder capable of providing the  
19 necessary materials and services.

20 4. For the purpose of this section, "highway project" is  
21 defined as the design, construction, reconstruction or  
22 improvement of highways or bridges under contract with the state  
23 highways and transportation commission, which is funded by state,  
24 federal or local funds or any combination of such funds.

25 5. In using a design-build highway project contract, the  
26 commission shall establish a written procedure by rule for  
27 prequalifying design- builders before such design-builders will  
28 be allowed to make a proposal on the project.

1           6. In any design-build highway project contract, whether  
2 involving state or federal funds, the commission shall require  
3 that each person submitting a request for qualifications provide  
4 a detailed disadvantaged business enterprise participation plan.  
5 The plan shall provide information describing the experience of  
6 the person in meeting disadvantaged business enterprise  
7 participation goals, how the person will meet the department of  
8 transportation's disadvantaged business enterprise participation  
9 goal and such other qualifications that the commission considers  
10 to be in the best interest of the state.

11           7. The commission is authorized to issue a request for  
12 proposals to a maximum of five design-builders prequalified in  
13 accordance with subsection 5 of this section.

14           8. The commission may require approval of any person  
15 performing subcontract work on the design-build highway project.

16           9. The bid bond and performance bond requirements of  
17 section 227.100 and the payment bond requirements of section  
18 107.170, RSMo, shall apply to the design-build highway project.

19           10. The requirements of subsection 9 of this section may be  
20 modified by the commission for any design-build highway project  
21 contract which is designated by the commission as a "design-  
22 build-finance-maintain" project, and for which the contract with  
23 the design-builder exceeds twenty-five years. For such projects,  
24 the commission shall require the design-builder to provide or  
25 cause to be provided such bonds in such terms, durations, and  
26 amounts as it may determine to be adequate for its protection and  
27 provided by a surety or sureties satisfactory to the commission,  
28 including but not limited to:

1       (1) A bid or proposal bond in an amount of not less than  
2       five million dollars;

3       (2) A performance bond or bonds for the construction period  
4       specified in the design-build highway project contract in an  
5       amount of not less than the maximum cost of construction work  
6       performed or caused to be performed by the design-builder in any  
7       calendar year of such period; and

8       (3) A payment bond or bonds that shall be enforceable under  
9       section 522.300, RSMo, for the protection of all persons  
10       supplying labor and material in carrying out the work provided  
11       for in the design-build highway project contract. The amount of  
12       the payment bond or bonds shall equal the total amount payable  
13       under the terms of the design-build highway project contract  
14       unless the commission determines in writing supported by specific  
15       findings that a payment bond or bonds in such amount is  
16       impractical, in which case the commission shall establish the  
17       amount of the payment bond or bonds; except that, the amount of  
18       the payment bond or bonds shall not be less than the amount of  
19       the performance bond or bonds.

20       11. The commission is authorized to prescribe the form of  
21 the contracts for the work.

22       [11.] 12. The commission is empowered to make all final  
23 decisions concerning the performance of the work under the  
24 design-build highway project contract, including claims for  
25 additional time and compensation.

26       [12.] 13. The provisions of sections 8.285 to 8.291, RSMo,  
27 shall not apply to the procurement of architectural, engineering  
28 or land surveying services for the design-build highway project,



1 except that any person providing architectural, engineering or  
2 land surveying services for the design- builder on the  
3 design-build highway project must be licensed in Missouri to  
4 provide such services.

5 [13.] 14. The commission shall pay a reasonable stipend to  
6 prequalified responsive design-builders who submit a proposal,  
7 but are not awarded the design-build highway project.

8 [14.] 15. The commission shall comply with the provisions  
9 of any act of congress or any regulations of any federal  
10 administrative agency which provides and authorizes the use of  
11 federal funds for highway projects using the design-build  
12 process.

13 [15.] 16. The commission shall promulgate administrative  
14 rules to implement this section or to secure federal funds. Such  
15 rules shall be published for comment in the Missouri Register and  
16 shall include prequalification criteria, the make-up of the  
17 prequalification review team, specifications for the design  
18 criteria package, the method of advertising, receiving and  
19 evaluating proposals from design-builders, the criteria for  
20 awarding the design-build highway project based on the design  
21 criteria package and a separate proposal stating the cost of  
22 construction, and other methods, procedures and criteria  
23 necessary to administer this section.

24 [16.] 17. The commission shall make a status report to the  
25 members of the general assembly and the governor following the  
26 award of the design-build project, as an individual component of  
27 the annual report submitted by the commission to the joint  
28 transportation oversight committee in accordance with the

1 provisions of section 21.795, RSMo. The annual report prior to  
2 advertisement of the design-build highway project contracts shall  
3 state the goals of the project in reducing costs and/or the time  
4 of completion for the project in comparison to the  
5 design-bid-build method of construction and objective  
6 measurements to be utilized in determining achievement of such  
7 goals. Subsequent annual reports shall include: the time  
8 estimated for design and construction of different phases or  
9 segments of the project and the actual time required to complete  
10 such work during the period; the amount of each progress payment  
11 to the design-builder during the period and the percentage and a  
12 description of the portion of the project completed regarding  
13 such payment; the number and a description of design change  
14 orders issued during the period and the cost of each such change  
15 order; upon substantial and final completion, the total cost of  
16 the design-build highway project with a breakdown of costs for  
17 design and construction; and such other measurements as specified  
18 by rule. The annual report immediately after final completion of  
19 the project shall state an assessment of the advantages and  
20 disadvantages of the design-build method of contracting for  
21 highway and bridge projects in comparison to the design-  
22 bid-build method of contracting and an assessment of whether the  
23 goals of the project in reducing costs and/or the time of  
24 completion of the project were met.

25       **[17.] 18.** The commission shall give public notice of a  
26 request for qualifications in at least two public newspapers that  
27 are distributed wholly or in part in this state and at least one  
28 construction industry trade publication that is distributed

1 nationally.

2 [18.] 19. The commission shall publish its cost estimates  
3 of the design-build highway project award and the project  
4 completion date along with its public notice of a request for  
5 qualifications of the design-build project.

6 [19.] 20. If the commission fails to receive statements of  
7 qualifications from at least two design-builders in response to a  
8 request for qualifications under subsection 5 of this section or  
9 to receive at least two responsive submissions from  
10 design-builders considered qualified[, submissions shall not be  
11 opened and it shall] for a design-build highway project contract,  
12 the design-build procurement process shall be suspended and the  
13 commission may readvertise the project.

14 21. (1) In the event the commission issues a request for  
15 qualifications under subsection 5 of this section at least twice  
16 for the same highway project, and it receives a statement of  
17 qualifications from only one design-builder for the design-build  
18 highway project contract, the commission may negotiate in good  
19 faith with the design-builder for such contract based upon the  
20 best value to the state.

21 \_\_\_\_\_ (2) In the event the commission issues a request for  
22 proposals under subsection 7 of this section at least twice for  
23 the same highway project, and it receives only one responsive  
24 submission for the design-build highway project contract, the  
25 commission may negotiate in good faith with the design-builder  
26 for such contract based upon the best value to the state.

27 \_\_\_\_\_ (3) At any time prior to the execution of a design-build  
28 highway project contract with the design-builder, if the

1 commission is not satisfied with the results of the negotiation  
2 with the design-builder, it may terminate the negotiations and  
3 reject any and all submissions and proposals by the design-  
4 builder.

5 227.115. With respect to contracts awarded by the  
6 department of transportation or the state highways and  
7 transportation commission under sections 227.100, 227.107, or  
8 238.260, after June 30, 2007, the department or commission shall  
9 be authorized to issue an exemption certificate for the purchase  
10 of tangible personal property and materials as exempt from sales  
11 and use tax as provided for exempt entities in section 144.062,  
12 RSMo. The department or commission and any contractor or  
13 material supplier operating under such exemption certificate  
14 shall comply with section 144.062, RSMo, and any rules  
15 promulgated by the department of revenue with respect to such  
16 sales.

17 227.295. 1. The department of transportation shall  
18 establish and administer a drunk driving victim memorial sign  
19 program. The signs shall be placed upon the state highways in  
20 accordance with this section, placement guidelines adopted by the  
21 department, and any applicable federal limitations or conditions  
22 on highway signage, including location and spacing.

23 2. The department shall adopt, by rules and regulations,  
24 program guidelines for the application for and placement of signs  
25 authorized by this section, including, but not limited to, the  
26 sign application and qualification process, the procedure for the  
27 dedication of signs, and procedures for the replacement or  
28 restoration of any signs that are damaged or stolen. The

1 department shall also establish by rule, application procedures  
2 and methods for proving eligibility for the program.

3 3. Any person may apply to the department of transportation  
4 to sponsor a drunk driving victim memorial sign in memory of an  
5 immediate family member who died as a result of a motor vehicle  
6 accident caused by a person who was shown to have been operating  
7 a motor vehicle in violation of section 577.010 or 577.012, RSMo,  
8 or was committing an intoxication-related traffic offense at the  
9 time of the accident. Upon the request of an immediate family  
10 member of the deceased victim involved in a drunk driving  
11 accident, the department shall place a sign in accordance with  
12 this section. A person who is not a member of the immediate  
13 family may also submit a request to have a sign placed under this  
14 section if that person also submits the written consent of an  
15 immediate family member. The department shall charge the  
16 sponsoring party a fee to cover the department's cost in  
17 designing, constructing, placing, and maintaining that sign, and  
18 the department's costs in administering this section. Signs  
19 erected under this section shall remain in place for a period of  
20 ten years. After the expiration of the ten-year period, the  
21 department shall remove the sign unless the sponsoring party  
22 remits to the department of transportation a ten-year renewable  
23 fee to cover maintenance costs associated with the sign.

24 4. The signs shall feature the words "Drunk Driving  
25 Victim!", the initials of the victim, and the month and year in  
26 which the victim of the drunk driving accident was killed. The  
27 overall design of the sign, including size, color, and lettering,  
28 shall conform to the guidelines and regulations established by

1 the department. The signs shall be placed near the scene of the  
2 accident.

3 5. All roadside memorials or markers commemorating the  
4 death of a drunk driving victim not meeting the provisions of  
5 this section are prohibited. No person, other than a department  
6 of transportation employee or the department's designee, may  
7 erect a drunk driving victim memorial sign.

8 6. As used in this section, the term "immediate family  
9 member" shall mean spouse, child, stepchild, brother,  
10 stepbrother, sister, stepsister, mother, stepmother, father, or  
11 stepfather.

12 7. The department shall adopt rules and regulations to  
13 implement and administer the provisions of this section. Any  
14 rule or portion of a rule, as that term is defined in section  
15 536.010, RSMo, that is created under the authority delegated in  
16 this section shall become effective only if it complies with and  
17 is subject to all of the provisions of chapter 536, RSMo, and, if  
18 applicable, section 536.028, RSMo. This section and chapter 536,  
19 RSMo, are nonseverable and if any of the powers vested with the  
20 general assembly pursuant to chapter 536, RSMo, to review, to  
21 delay the effective date, or to disapprove and annul a rule are  
22 subsequently held unconstitutional, then the grant of rulemaking  
23 authority and any rule proposed or adopted after August 28, 2007,  
24 shall be invalid and void.

25 238.202. 1. As used in sections 238.200 to 238.275, the  
26 following terms mean:

- 27 (1) "Board", the board of directors of a district;  
28 (2) "Commission", the Missouri highways and transportation

1 commission;

2 (3) "District", a transportation development district  
3 organized under sections 238.200 to 238.275;

4 (4) "Local transportation authority", a county, city, town,  
5 village, county highway commission, special road district,  
6 interstate compact agency, or any local public authority or  
7 political subdivision having jurisdiction over any bridge,  
8 street, highway, dock, wharf, ferry, lake or river port, airport,  
9 railroad, light rail or other transit improvement or service;

10 (5) "Project" includes any bridge, street, road, highway,  
11 access road, interchange, intersection, signing, signalization,  
12 parking lot, bus stop, station, garage, terminal, hangar,  
13 shelter, rest area, dock, wharf, lake or river port, airport,  
14 railroad, light rail, or other mass transit and any similar or  
15 related improvement or infrastructure.

16 2. For the purposes of sections 11(c), 16 and 22 of article  
17 X of the Constitution of Missouri, section 137.073, RSMo, and as  
18 used in sections 238.200 to 238.275, the following terms shall  
19 have the meanings given:

20 (1) "Approval of the required majority" or "direct voter  
21 approval", a simple majority;

22 (2) "Qualified electors", "qualified voters" or "voters",  
23 [if] within the proposed or established district, any persons  
24 [eligible to be registered voters reside within the proposed  
25 district, such persons] residing therein who have registered to  
26 vote pursuant to chapter 115, RSMo, [or if no persons eligible to  
27 be registered voters reside within the proposed district,] and  
28 the owners of real property [located within the proposed

1 district], who shall receive one vote per acre, provided that any  
2 registered voter who also owns property must elect whether to  
3 vote as an owner or a registered voter;

4 (3) "Registered voters", persons qualified and registered  
5 to vote pursuant to chapter 115, RSMo.

6 238.207. 1. Whenever the creation of a district is  
7 desired, not less than fifty registered voters from each county  
8 partially or totally within the proposed district may file a  
9 petition requesting the creation of a district. However, if no  
10 persons eligible to be registered voters reside within the  
11 district, the owners of record of all of the real property,  
12 except public streets, located within the proposed district may  
13 file a petition requesting the creation of a district. The  
14 petition shall be filed in the circuit court of any county  
15 partially or totally within the proposed district.

16 2. Alternatively, the governing body of any local  
17 transportation authority within any county in which a proposed  
18 project may be located may file a petition in the circuit court  
19 of that county, requesting the creation of a district.

20 3. The proposed district area shall be contiguous and may  
21 contain all or any portion of one or more municipalities and  
22 counties; provided:

23 (1) Property separated only by public streets, easements or  
24 rights-of-way shall be considered contiguous;

25 (2) In the case of a district formed pursuant to a petition  
26 filed by the owners of record of all of the real property located  
27 within the proposed district, the proposed district area need not  
28 contain contiguous properties if:



1           (a) The petition provides that the only funding method for  
2 project costs will be a sales tax;

3           (b) The court finds that all of the real property located  
4 within the proposed district will benefit by the projects to be  
5 undertaken by the district; and

6           (c) Each parcel within the district is within five miles of  
7 every other parcel; and

8           (3) In the case of a district created pursuant to  
9 subsection 5 of this section, property separated only by public  
10 streets, easements, or rights-of-way or connected by a single  
11 public street, easement, or right-of-way shall be considered  
12 contiguous.

13           4. The petition shall set forth:

14           (1) The name, voting residence and county of residence of  
15 each individual petitioner, or, if no persons eligible to be  
16 registered voters reside within the proposed district, the name  
17 and address of each owner of record of real property located  
18 within the proposed district, or shall recite that the petitioner  
19 is the governing body of a local transportation authority acting  
20 in its official capacity;

21           (2) The name and address of each respondent. Respondents  
22 must include the commission and each affected local  
23 transportation authority within the proposed district, except a  
24 petitioning local transportation authority;

25           (3) A specific description of the proposed district  
26 boundaries including a map illustrating such boundaries;

27           (4) A general description of each project proposed to be  
28 undertaken by that district, including a description of the

1 approximate location of each project;

2 (5) The estimated project costs and the anticipated  
3 revenues to be collected from the project;

4 (6) The name of the proposed district;

5 [(6)] (7) The number of members of the board of directors  
6 of the proposed district, which shall be not less than five or  
7 more than fifteen;

8 [(7)] (8) A statement that the terms of office of initial  
9 board members shall be staggered in approximately equal numbers  
10 to expire in one, two or three years;

11 [(8)] (9) If the petition was filed by registered voters or  
12 by a governing body, a request that the question be submitted to  
13 the qualified voters within the limits of the proposed district  
14 whether they will establish a transportation development district  
15 to develop a specified project or projects;

16 [(9)] (10) A proposal for funding the district initially,  
17 pursuant to the authority granted in sections 238.200 to 238.275,  
18 together with a request that the funding proposal be submitted to  
19 the qualified voters [residing] within the limits of the proposed  
20 district; provided, however, the funding method of special  
21 assessments may also be approved as provided in subsection 1 of  
22 section 238.230; and

23 [(10)] (11) A statement that the proposed district shall  
24 not be an undue burden on any owner of property within the  
25 district and is not unjust or unreasonable.

26 5. (1) As an alternative to the methods described in  
27 subsections 1 and 2 of this section, if two or more local  
28 transportation authorities have adopted resolutions calling for

1 the joint establishment of a district, the governing body of any  
2 one such local transportation authority may file a petition in  
3 the circuit court of any county in which the proposed project is  
4 located requesting the creation of a district; or, if not less  
5 than fifty registered voters from each of two or more counties  
6 sign a petition calling for the joint establishment of a district  
7 for the purpose of developing a project that lies in whole or in  
8 part within those same counties, the petition may be filed in the  
9 circuit court of any of those counties in which not less than  
10 fifty registered voters have signed the petition.

11 (2) The proposed district area shall be contiguous and may  
12 contain all or any portion of one or more municipalities and  
13 counties. Property separated only by public streets, easements,  
14 or rights-of-way or connected by a single public street,  
15 easement, or right-of-way shall be considered contiguous.

16 (3) The petition shall set forth:

17 (a) That the petitioner is the governing body of a local  
18 transportation authority acting in its official capacity; or, if  
19 the petition was filed by obtaining the signatures of not less  
20 than fifty registered voters in each of two or more counties, it  
21 shall set forth the name, voting residence, and county of  
22 residence of each individual petitioner;

23 (b) The name of each local transportation authority within  
24 the proposed district. The resolution of the governing body of  
25 each local transportation authority calling for the joint  
26 establishment of the district shall be attached to the petition;

27 (c) The name and address of each respondent. Respondents  
28 must include the commission and each affected local

1 transportation authority within the proposed district, except a  
2 petitioning local transportation authority;

3 (d) A specific description of the proposed district  
4 boundaries including a map illustrating such boundaries;

5 (e) A general description of each project proposed to be  
6 undertaken by the district, including a description of the  
7 approximate location of each project;

8 (f) The name of the proposed district;

9 (g) The number of members of the board of directors of the  
10 proposed district;

11 (h) A request that the question be submitted to the  
12 qualified voters within the limits of the proposed district  
13 whether they will establish a transportation development district  
14 to develop the projects described in the petition;

15 (i) A proposal for funding the district initially, pursuant  
16 to the authority granted in sections 238.200 to 238.275, together  
17 with a request that the imposition of the funding proposal be  
18 submitted to the qualified voters residing within the limits of  
19 the proposed district; provided, however, the funding method of  
20 special assessments may also be approved as provided in  
21 subsection 1 of section 238.230; and

22 (j) A statement that the proposed district shall not be an  
23 undue burden on any owner of property within the district and is  
24 not unjust or unreasonable.

25 238.208. 1. The owners of property adjacent to a  
26 transportation district formed under the Missouri transportation  
27 development district act may petition the court by unanimous  
28 petition to add their property to the district. If the property

1 owners within the transportation development district unanimously  
2 approve of the addition of property, the adjacent properties in  
3 the petition shall be added to the district. Any property added  
4 under this section shall be subject to all projects, taxes, and  
5 special assessments in effect as of the date of the court order  
6 adding the property to the district. The owners of the added  
7 property shall be allowed to vote at the next election scheduled  
8 for the district to fill vacancies on the board and on any other  
9 question submitted to them by the board under this chapter. The  
10 owners of property added under this section shall have one vote  
11 per acre in the same manner as provided in subdivision (2) of  
12 subsection 2 of section 238.220.

13 2. The owners of all of the property located in a  
14 transportation development district formed under this chapter  
15 may, by unanimous petition filed with the board of directors of  
16 the district, remove any property from the district, so long as  
17 such removal will not materially affect any obligations of the  
18 district.

19 238.210. 1. Within thirty days after the petition is  
20 filed, the circuit court clerk shall serve a copy of the petition  
21 on the respondents who shall have thirty days after receipt of  
22 service to file an answer stating agreement with or opposition to  
23 the creation of the district. If any respondent files its answer  
24 opposing the creation of the district, it shall recite legal  
25 reasons why the petition is defective, why the proposed district  
26 is illegal or unconstitutional, or why the proposed method for  
27 funding the district is illegal or unconstitutional. The  
28 respondent shall ask the court for a declaratory judgment

1     respecting these issues. The answer of each respondent shall be  
2     served on each petitioner and every other respondent named in the  
3     petition. Any resident, taxpayer, any other entity, or any local  
4     transportation authority within the proposed district may join in  
5     or file a petition supporting or answer opposing the creation of  
6     the district and seeking a declaratory judgment respecting these  
7     same issues within thirty days after the date notice is last  
8     published by the circuit clerk.

9             2. The court shall hear the case without a jury. If the  
10    court shall thereafter determine the petition is defective or the  
11    proposed district is illegal or unconstitutional, or shall be an  
12    undue burden on any owner of property within the district or is  
13    unjust and unreasonable, it shall enter its declaratory judgment  
14    to that effect and shall refuse to make the certifications  
15    requested in the pleadings. If the court determines that any  
16    proposed funding method is illegal or unconstitutional, it shall  
17    enter its judgment striking that funding method in whole or part.  
18    If the court determines the petition is not legally defective and  
19    the proposed district and method of funding are neither illegal  
20    nor unconstitutional, the court shall enter its judgment to that  
21    effect. If the petition was filed by registered voters or by a  
22    governing body, the court shall then certify the questions  
23    regarding district creation, project development, and proposed  
24    funding for voter approval. If the petition was filed by a  
25    governing body, or by no less than fifty registered voters of two  
26    or more counties, pursuant to subsection 5 of section 238.207,  
27    the court shall then certify the single question regarding  
28    district creation, project development, and proposed funding for

1 voter approval. If the petition was filed by the owners of  
2 record of all of the real property located within the proposed  
3 district, the court shall declare the district organized and  
4 certify the funding methods stated in the petition for qualified  
5 voter approval; provided, however, the funding method of special  
6 assessments may also be approved as provided in subsection 1 of  
7 section 238.230. In either case, if no objections to the  
8 petition are timely filed, the court may make such certifications  
9 based upon the pleadings before it without any hearing.

10 3. Any party having filed an answer or petition may appeal  
11 the circuit court's order or declaratory judgment in the same  
12 manner provided for other appeals.

13 238.225. 1. Before construction or funding of any project,  
14 the district shall submit the proposed project, [together with  
15 the proposed plans and specifications,] to the commission for its  
16 prior approval [of the project]. If the commission by minute  
17 finds that the project will improve or is a necessary or  
18 desirable extension of the state highways and transportation  
19 system, the commission may preliminarily approve the project  
20 subject to the district providing plans and specifications for  
21 the proposed project and making any revisions in the plans and  
22 specifications required by the commission and the district and  
23 commission entering into a mutually satisfactory agreement  
24 regarding development and future maintenance of the project.  
25 After such preliminary approval, the district may impose and  
26 collect such taxes and assessments as may be included in the  
27 commission's preliminary approval. After the commission approves  
28 the final construction plans and specifications, the district

1 shall obtain prior commission approval of any modification of  
2 such plans or specifications.

3 2. If the proposed project is not intended to be merged  
4 into the state highways and transportation system under the  
5 commission's jurisdiction, the district shall also submit the  
6 proposed project and proposed plans and specifications to the  
7 local transportation authority that will become the owner of the  
8 project for its prior approval.

9 3. In those instances where a local transportation  
10 authority is required to approve a project and the commission  
11 determines that it has no direct interest in that project, the  
12 commission may decline to consider the project. Approval of the  
13 project shall then vest exclusively with the local transportation  
14 authority subject to the district making any revisions in the  
15 plans and specifications required by the local transportation  
16 authority and the district and the local transportation authority  
17 entering into a mutually satisfactory agreement regarding  
18 development and future maintenance of the project. After the  
19 local transportation authority approves the final construction  
20 plans and specifications, the district shall obtain prior  
21 approval of the local transportation authority before modifying  
22 such plans or specifications.

23 238.230. 1. If approved by:

24 (1) A majority of the qualified voters voting on the  
25 question in the district; or

26 (2) The owners of record of all of the real property  
27 located within the district who shall indicate their approval by  
28 signing a special assessment petition;



1 the district may make one or more special assessments for those  
2 project improvements which specially benefit the properties  
3 within the district. Improvements which may confer special  
4 benefits within a district include but are not limited to  
5 improvements which are intended primarily to serve traffic  
6 originating or ending within the district, to reduce local  
7 traffic congestion or circuitry of travel, or to improve the  
8 safety of motorists or pedestrians within the district.

9 2. The ballot question shall be substantially in the  
10 following form:

11 Shall the ..... Transportation Development  
12 District be authorized to levy special assessments against  
13 property benefited within the district for the purpose of  
14 providing revenue for the development of a project (or projects)  
15 in the district (insert general description of the project or  
16 projects, if necessary), said special assessments to be levied  
17 ratably against each tract, lot or parcel of property within the  
18 district which is benefited by such project in proportion to the  
19 (insert method of allocating special assessments), in an amount  
20 not to exceed \$ ..... per annum per (insert unit of  
21 measurement)?

22 3. The special assessment petition shall be substantially  
23 in the following form:

24 The ..... Transportation  
25 Development District shall be authorized to levy special  
26 assessments against property benefited within the district for  
27 the purpose of providing revenue for the development of a project  
28 (or projects) in the district (insert general description of the

1 project or projects, if necessary), said special assessments to  
2 be levied pro rata against each tract, lot or parcel or property  
3 within the district which is benefited by such project in  
4 proportion to the (insert method of allocating special  
5 assessments), in an amount not to exceed \$..... per annum per  
6 (insert unit of measurement).

7 4. If a proposal for making a special assessment fails, the  
8 district board of directors may, with the prior approval of the  
9 commission or the local transportation authority which will  
10 assume ownership of the completed project, delete from the  
11 project any portion which was to be funded by special assessment  
12 and which is not otherwise required for project integrity.

13 5. A district may establish different classes of real  
14 property within the district for purposes of levying differing  
15 rates of special assessments. The levy rate for special  
16 assessments may vary for each class or subclass based on the  
17 level of benefit derived by each class or subclass of real  
18 property from projects funded by the district.

19 238.275. 1. Within six months after development and  
20 initial maintenance costs of its completed project have been  
21 paid, the district shall pursuant to contract transfer ownership  
22 and control of the project to the commission or a local  
23 transportation authority which shall be responsible for all  
24 future maintenance costs pursuant to contract. Such transfer may  
25 be made sooner with the consent of the recipient.

26 2. At such time as a district has completed its project and  
27 has transferred ownership of the project to the commission or  
28 other local transportation authority for maintenance, or at such

1 time as the board determines that it is unable to complete its  
2 project due to lack of funding or for any other reason, the board  
3 shall submit for a vote in an election held throughout the  
4 district the question of whether the district should be  
5 abolished. The question shall be submitted in substantially the  
6 following form:

7 Shall the ..... Transportation Development  
8 District be abolished?

9 3. The district board shall not propose the question to  
10 abolish the district while there are outstanding claims or causes  
11 of action pending against the district, while the district  
12 liabilities exceed its assets, or while the district is  
13 insolvent, in receivership or under the jurisdiction of the  
14 bankruptcy court. Prior to submitting the question to abolish  
15 the district to a vote, the state auditor shall audit the  
16 district to determine the financial status of the district, and  
17 whether the district may be abolished pursuant to law.

18 4. While the district still exists, it shall continue to  
19 accrue all revenues to which it is entitled at law.

20 5. Upon receipt of certification by the appropriate  
21 election authorities that the majority of those voting within the  
22 district have voted to abolish the district, and if the state  
23 auditor has determined that the district's financial condition is  
24 such that it may be abolished pursuant to law, then the board  
25 shall:

26 (1) Sell any remaining district real or personal property  
27 it wishes, and then transfer the proceeds and any other real or  
28 personal property owned by the district, including revenues due

1 and owing the district, to the commission or any appropriate  
2 local transportation authority assuming maintenance and control  
3 of the project, for its further use and disposition;

4 (2) Terminate the employment of any remaining district  
5 employees, and otherwise conclude its affairs;

6 (3) At a public meeting of the district, declare by a  
7 majority vote that the district has been abolished effective that  
8 date; and

9 (4) Cause copies of that resolution under seal to be filed  
10 with the secretary of state, the director of revenue, the  
11 commission, and with each local transportation authority affected  
12 by the district. Upon the completion of the final act specified  
13 in this subsection, the legal existence of the district shall  
14 cease.

15 301.007. 1. Any declaration, statement, or other document  
16 required to be made or filed pursuant to this chapter or chapter  
17 306, RSMo, shall be signed in accordance with regulations or  
18 instructions prescribed by the director of revenue and the  
19 director of revenue shall have the power to administer oaths to  
20 individuals filing such declaration, statement, or other  
21 document. The fact that an individual's name is signed to a  
22 declaration, statement, or other document shall be prima facie  
23 evidence that the individuals signed the declaration, statement,  
24 or other document.

25 2. The making or filing of any declaration, statement, or  
26 other document required to be made pursuant to this chapter or  
27 chapter 306, RSMo, shall constitute a certification by the person  
28 making or filing such declaration, statement, or other document,

1 or copy thereof, that the statements contained therein are true  
2 and that any copy filed is a true copy.

3 301.010. As used in this chapter and sections 304.010 to  
4 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to  
5 307.175, RSMo, the following terms mean:

6 (1) "All-terrain vehicle", any motorized vehicle  
7 manufactured and used exclusively for off-highway use which is  
8 fifty inches or less in width, with an unladen dry weight of one  
9 thousand pounds or less, traveling on three, four or more low  
10 pressure tires, with a seat designed to be straddled by the  
11 operator, or with a seat designed to carry more than one person,  
12 and handlebars for steering control;

13 (2) "Automobile transporter", any vehicle combination  
14 designed and used specifically for the transport of assembled  
15 motor vehicles;

16 (3) "Axle load", the total load transmitted to the road by  
17 all wheels whose centers are included between two parallel  
18 transverse vertical planes forty inches apart, extending across  
19 the full width of the vehicle;

20 (4) "Boat transporter", any vehicle combination designed  
21 and used specifically to transport assembled boats and boat  
22 hulls;

23 (5) "Body shop", a business that repairs physical damage on  
24 motor vehicles that are not owned by the shop or its officers or  
25 employees by mending, straightening, replacing body parts, or  
26 painting;

27 (6) "Bus", a motor vehicle primarily for the transportation  
28 of a driver and eight or more passengers but not including

1 shuttle buses;

2 (7) "Commercial motor vehicle", a motor vehicle designed or  
3 regularly used for carrying freight and merchandise, or more than  
4 eight passengers but not including vanpools or shuttle buses;

5 (8) "Cotton trailer", a trailer designed and used  
6 exclusively for transporting cotton at speeds less than forty  
7 miles per hour from field to field or from field to market and  
8 return;

9 (9) "Dealer", any person, firm, corporation, association,  
10 agent or subagent engaged in the sale or exchange of new, used or  
11 reconstructed motor vehicles or trailers;

12 (10) "Director" or "director of revenue", the director of  
13 the department of revenue;

14 (11) "Driveaway operation":

15 (a) The movement of a motor vehicle or trailer by any  
16 person or motor carrier other than a dealer over any public  
17 highway, under its own power singly, or in a fixed combination of  
18 two or more vehicles, for the purpose of delivery for sale or for  
19 delivery either before or after sale;

20 (b) The movement of any vehicle or vehicles, not owned by  
21 the transporter, constituting the commodity being transported, by  
22 a person engaged in the business of furnishing drivers and  
23 operators for the purpose of transporting vehicles in transit  
24 from one place to another by the driveaway or towaway methods; or

25 (c) The movement of a motor vehicle by any person who is  
26 lawfully engaged in the business of transporting or delivering  
27 vehicles that are not the person's own and vehicles of a type  
28 otherwise required to be registered, by the driveaway or towaway

1 methods, from a point of manufacture, assembly or distribution or  
2 from the owner of the vehicles to a dealer or sales agent of a  
3 manufacturer or to any consignee designated by the shipper or  
4 consignor;

5 (12) "Dromedary", a box, deck, or plate mounted behind the  
6 cab and forward of the fifth wheel on the frame of the power unit  
7 of a truck tractor-semitrailer combination. A truck tractor  
8 equipped with a dromedary may carry part of a load when operating  
9 independently or in a combination with a semitrailer;

10 (13) "Farm tractor", a tractor used exclusively for  
11 agricultural purposes;

12 (14) "Fleet", any group of ten or more motor vehicles owned  
13 by the same owner;

14 (15) "Fleet vehicle", a motor vehicle which is included as  
15 part of a fleet;

16 (16) "Fullmount", a vehicle mounted completely on the frame  
17 of either the first or last vehicle in a saddlemount combination;

18 (17) "Gross weight", the weight of vehicle and/or vehicle  
19 combination without load, plus the weight of any load thereon;

20 (18) "Hail-damaged vehicle", any vehicle, the body of which  
21 has become dented as the result of the impact of hail;

22 (19) "Highway", any public thoroughfare for vehicles,  
23 including state roads, county roads and public streets, avenues,  
24 boulevards, parkways or alleys in any municipality;

25 (20) "Improved highway", a highway which has been paved  
26 with gravel, macadam, concrete, brick or asphalt, or surfaced in  
27 such a manner that it shall have a hard, smooth surface;

28 (21) "Intersecting highway", any highway which joins

1 another, whether or not it crosses the same;

2 (22) "Junk vehicle", a vehicle which is incapable of  
3 operation or use upon the highways and has no resale value except  
4 as a source of parts or scrap, and shall not be titled or  
5 registered;

6 (23) "Kit vehicle", a motor vehicle assembled by a person  
7 other than a generally recognized manufacturer of motor vehicles  
8 by the use of a glider kit or replica purchased from an  
9 authorized manufacturer and accompanied by a manufacturer's  
10 statement of origin;

11 (24) "Land improvement contractors' commercial motor  
12 vehicle", any not-for-hire commercial motor vehicle the operation  
13 of which is confined to:

14 (a) An area that extends not more than a radius of one  
15 hundred miles from its home base of operations when transporting  
16 its owner's machinery, equipment, or auxiliary supplies to or  
17 from projects involving soil and water conservation, or to and  
18 from equipment dealers' maintenance facilities for maintenance  
19 purposes; or

20 (b) An area that extends not more than a radius of fifty  
21 miles from its home base of operations when transporting its  
22 owner's machinery, equipment, or auxiliary supplies to or from  
23 projects not involving soil and water conservation.

24 Nothing in this subdivision shall be construed to prevent any  
25 motor vehicle from being registered as a commercial motor vehicle  
26 or local commercial motor vehicle;

27 (25) "Local commercial motor vehicle", a commercial motor  
28 vehicle whose operations are confined solely to a municipality



1 and that area extending not more than fifty miles therefrom, or a  
2 commercial motor vehicle whose property-carrying operations are  
3 confined solely to the transportation of property owned by any  
4 person who is the owner or operator of such vehicle to or from a  
5 farm owned by such person or under the person's control by virtue  
6 of a landlord and tenant lease; provided that any such property  
7 transported to any such farm is for use in the operation of such  
8 farm;

9 (26) "Local log truck", a commercial motor vehicle which is  
10 registered pursuant to this chapter to operate as a motor vehicle  
11 on the public highways of this state, used exclusively in this  
12 state, used to transport harvested forest products, operated  
13 solely at a forested site and in an area extending not more than  
14 a [fifty-mile] one hundred-mile radius from such site, carries a  
15 load with dimensions not in excess of twenty-five cubic yards per  
16 two axles with dual wheels, and when operated on the national  
17 system of interstate and defense highways described in Title 23,  
18 Section 103(e) of the United States Code, such vehicle shall not  
19 exceed the weight limits of section 304.180, RSMo, does not have  
20 more than four axles, and does not pull a trailer which has more  
21 than two axles. Harvesting equipment which is used specifically  
22 for cutting, felling, trimming, delimbing, debarking, chipping,  
23 skidding, loading, unloading, and stacking may be transported on  
24 a local log truck. A local log truck may not exceed the limits  
25 required by law, however, if the truck does exceed such limits as  
26 determined by the inspecting officer, then notwithstanding any  
27 other provisions of law to the contrary, such truck shall be  
28 subject to the weight limits required by such sections as

1 licensed for eighty thousand pounds;

2 (27) "Local log truck tractor", a commercial motor vehicle  
3 which is registered under this chapter to operate as a motor  
4 vehicle on the public highways of this state, used exclusively in  
5 this state, used to transport harvested forest products, operated  
6 solely at a forested site and in an area extending not more than  
7 a [fifty-mile] one hundred-mile radius from such site, operates  
8 with a weight not exceeding twenty-two thousand four hundred  
9 pounds on one axle or with a weight not exceeding forty-four  
10 thousand eight hundred pounds on any tandem axle, and when  
11 operated on the national system of interstate and defense  
12 highways described in Title 23, Section 103(e) of the United  
13 States Code, such vehicle does not exceed the weight limits  
14 contained in section 304.180, RSMo, and does not have more than  
15 three axles and does not pull a trailer which has more than two  
16 axles. Violations of axle weight limitations shall be subject to  
17 the load limit penalty as described for in sections 304.180 to  
18 304.220, RSMo;

19 (28) "Local transit bus", a bus whose operations are  
20 confined wholly within a municipal corporation, or wholly within  
21 a municipal corporation and a commercial zone, as defined in  
22 section 390.020, RSMo, adjacent thereto, forming a part of a  
23 public transportation system within such municipal corporation  
24 and such municipal corporation and adjacent commercial zone;

25 (29) "Log truck", a vehicle which is not a local log truck  
26 or local log truck tractor and is used exclusively to transport  
27 harvested forest products to and from forested sites which is  
28 registered pursuant to this chapter to operate as a motor vehicle

1 on the public highways of this state for the transportation of  
2 harvested forest products;

3 (30) "Major component parts", the rear clip, cowl, frame,  
4 body, cab, front-end assembly, and front clip, as those terms are  
5 defined by the director of revenue pursuant to rules and  
6 regulations or by illustrations;

7 (31) "Manufacturer", any person, firm, corporation or  
8 association engaged in the business of manufacturing or  
9 assembling motor vehicles, trailers or vessels for sale;

10 (32) "Mobile scrap processor", a business located in  
11 Missouri or any other state that comes onto a salvage site and  
12 crushes motor vehicles and parts for transportation to a shredder  
13 or scrap metal operator for recycling;

14 (33) "Motor change vehicle", a vehicle manufactured prior  
15 to August, 1957, which receives a new, rebuilt or used engine,  
16 and which used the number stamped on the original engine as the  
17 vehicle identification number;

18 (34) "Motor vehicle", any self-propelled vehicle not  
19 operated exclusively upon tracks, except farm tractors;

20 (35) "Motor vehicle primarily for business use", any  
21 vehicle other than a recreational motor vehicle, motorcycle,  
22 motortricycle, or any commercial motor vehicle licensed for over  
23 twelve thousand pounds:

24 (a) Offered for hire or lease; or

25 (b) The owner of which also owns ten or more such motor  
26 vehicles;

27 (36) "Motorcycle", a motor vehicle operated on two wheels;

28 (37) "Motorized bicycle", any two-wheeled or three-wheeled

1 device having an automatic transmission and a motor with a  
2 cylinder capacity of not more than fifty cubic centimeters, which  
3 produces less than three gross brake horsepower, and is capable  
4 of propelling the device at a maximum speed of not more than  
5 thirty miles per hour on level ground;

6 (38) "Motortricycle", a motor vehicle operated on three  
7 wheels, including a motorcycle while operated with any  
8 conveyance, temporary or otherwise, requiring the use of a third  
9 wheel. A motortricycle shall not be included in the definition  
10 of all-terrain vehicle;

11 (39) "Municipality", any city, town or village, whether  
12 incorporated or not;

13 (40) "Nonresident", a resident of a state or country other  
14 than the state of Missouri;

15 (41) "Non-USA-std motor vehicle", a motor vehicle not  
16 originally manufactured in compliance with United States  
17 emissions or safety standards;

18 (42) "Operator", any person who operates or drives a motor  
19 vehicle;

20 (43) "Owner", any person, firm, corporation or association,  
21 who holds the legal title to a vehicle or in the event a vehicle  
22 is the subject of an agreement for the conditional sale or lease  
23 thereof with the right of purchase upon performance of the  
24 conditions stated in the agreement and with an immediate right of  
25 possession vested in the conditional vendee or lessee, or in the  
26 event a mortgagor of a vehicle is entitled to possession, then  
27 such conditional vendee or lessee or mortgagor shall be deemed  
28 the owner for the purpose of this law;

1           (44) "Public garage", a place of business where motor  
2 vehicles are housed, stored, repaired, reconstructed or repainted  
3 for persons other than the owners or operators of such place of  
4 business;

5           (45) "Rebuilder", a business that repairs or rebuilds motor  
6 vehicles owned by the rebuilder, but does not include  
7 certificated common or contract carriers of persons or property;

8           (46) "Reconstructed motor vehicle", a vehicle that is  
9 altered from its original construction by the addition or  
10 substitution of two or more new or used major component parts,  
11 excluding motor vehicles made from all new parts, and new  
12 multistage manufactured vehicles;

13           (47) "Recreational motor vehicle", any motor vehicle  
14 designed, constructed or substantially modified so that it may be  
15 used and is used for the purposes of temporary housing quarters,  
16 including therein sleeping and eating facilities which are either  
17 permanently attached to the motor vehicle or attached to a unit  
18 which is securely attached to the motor vehicle. Nothing herein  
19 shall prevent any motor vehicle from being registered as a  
20 commercial motor vehicle if the motor vehicle could otherwise be  
21 so registered;

22           (48) "Rollback or car carrier", any vehicle specifically  
23 designed to transport wrecked, disabled or otherwise inoperable  
24 vehicles, when the transportation is directly connected to a  
25 wrecker or towing service;

26           (49) "Saddlemount combination", a combination of vehicles  
27 in which a truck or truck tractor tows one or more trucks or  
28 truck tractors, each connected by a saddle to the frame or fifth

1 wheel of the vehicle in front of it. The "saddle" is a mechanism  
2 that connects the front axle of the towed vehicle to the frame or  
3 fifth wheel of the vehicle in front and functions like a fifth  
4 wheel kingpin connection. When two vehicles are towed in this  
5 manner the combination is called a "double saddlemount  
6 combination". When three vehicles are towed in this manner, the  
7 combination is called a "triple saddlemount combination";

8 (50) "Salvage dealer and dismantler", a business that  
9 dismantles used motor vehicles for the sale of the parts thereof,  
10 and buys and sells used motor vehicle parts and accessories;

11 (51) "Salvage vehicle", a motor vehicle, semitrailer, or  
12 house trailer which:

13 (a) Has been damaged to the extent that the total cost of  
14 repairs to rebuild or reconstruct the vehicle to its condition  
15 immediately before it was damaged for legal operation on the  
16 roads or highways exceeds seventy-five percent of the fair market  
17 value of the vehicle immediately preceding the time it was  
18 damaged;

19 (b) By reason of condition or circumstance, has been  
20 declared salvage, either by its owner, or by a person, firm,  
21 corporation, or other legal entity exercising the right of  
22 security interest in it;

23 (c) Has been declared salvage by an insurance company as a  
24 result of settlement of a claim for loss due to damage or theft;

25 (d) Ownership of which is evidenced by a salvage title; or

26 (e) Is abandoned property which is titled pursuant to  
27 section 304.155, RSMo, or section 304.157, RSMo, and designated  
28 with the words "salvage/abandoned property".

1 The total cost of repairs to rebuild or reconstruct the vehicle  
2 shall not include the cost of repairing, replacing, or  
3 reinstalling inflatable safety restraints, tires, sound systems,  
4 or any sales tax on parts or materials to rebuild or reconstruct  
5 the vehicle. For purposes of this definition, "fair market  
6 value" means the retail value of a motor vehicle as:

7 a. Set forth in a current edition of any nationally  
8 recognized compilation of retail values, including automated  
9 databases, or from publications commonly used by the automotive  
10 and insurance industries to establish the values of motor  
11 vehicles;

12 b. Determined pursuant to a market survey of comparable  
13 vehicles with regard to condition and equipment; and

14 c. Determined by an insurance company using any other  
15 procedure recognized by the insurance industry, including market  
16 surveys, that is applied by the company in a uniform manner;

17 (52) "School bus", any motor vehicle used solely to  
18 transport students to or from school or to transport students to  
19 or from any place for educational purposes;

20 (53) "Shuttle bus", a motor vehicle used or maintained by  
21 any person, firm, or corporation as an incidental service to  
22 transport patrons or customers of the regular business of such  
23 person, firm, or corporation to and from the place of business of  
24 the person, firm, or corporation providing the service at no fee  
25 or charge. Shuttle buses shall not be registered as buses or as  
26 commercial motor vehicles;

27 (54) "Special mobile equipment", every self-propelled  
28 vehicle not designed or used primarily for the transportation of

1 persons or property and incidentally operated or moved over the  
2 highways, including farm equipment, implements of husbandry, road  
3 construction or maintenance machinery, ditch-digging apparatus,  
4 stone crushers, air compressors, power shovels, cranes, graders,  
5 rollers, well-drillers and wood-sawing equipment used for hire,  
6 asphalt spreaders, bituminous mixers, bucket loaders, ditchers,  
7 leveling graders, finished machines, motor graders, road rollers,  
8 scarifiers, earth-moving carryalls, scrapers, drag lines,  
9 concrete pump trucks, rock-drilling and earth-moving equipment.

10 This enumeration shall be deemed partial and shall not operate to  
11 exclude other such vehicles which are within the general terms of  
12 this section;

13 (55) "Specially constructed motor vehicle", a motor vehicle  
14 which shall not have been originally constructed under a  
15 distinctive name, make, model or type by a manufacturer of motor  
16 vehicles. The term "specially constructed motor vehicle"  
17 includes kit vehicles;

18 (56) "Stinger-steered combination", a truck  
19 tractor-semitrailer wherein the fifth wheel is located on a drop  
20 frame located behind and below the rearmost axle of the power  
21 unit;

22 (57) "Tandem axle", a group of two or more axles, arranged  
23 one behind another, the distance between the extremes of which is  
24 more than forty inches and not more than ninety-six inches apart;

25 (58) "Tractor", "truck tractor" or "truck-tractor", a  
26 self-propelled motor vehicle designed for drawing other vehicles,  
27 but not for the carriage of any load when operating  
28 independently. When attached to a semitrailer, it supports a



1 part of the weight thereof;

2 (59) "Trailer", any vehicle without motive power designed  
3 for carrying property or passengers on its own structure and for  
4 being drawn by a self-propelled vehicle, except those running  
5 exclusively on tracks, including a semitrailer or vehicle of the  
6 trailer type so designed and used in conjunction with a  
7 self-propelled vehicle that a considerable part of its own weight  
8 rests upon and is carried by the towing vehicle. The term  
9 "trailer" shall not include cotton trailers as defined in  
10 subdivision (8) of this section and shall not include  
11 manufactured homes as defined in section 700.010, RSMo;

12 (60) "Truck", a motor vehicle designed, used, or maintained  
13 for the transportation of property;

14 (61) "Truck-tractor semitrailer-semitrailer", a combination  
15 vehicle in which the two trailing units are connected with a  
16 B-train assembly which is a rigid frame extension attached to the  
17 rear frame of a first semitrailer which allows for a fifth-wheel  
18 connection point for the second semitrailer and has one less  
19 articulation point than the conventional "A dolly" connected  
20 truck-tractor semitrailer-trailer combination;

21 (62) "Truck-trailer boat transporter combination", a boat  
22 transporter combination consisting of a straight truck towing a  
23 trailer using typically a ball and socket connection with the  
24 trailer axle located substantially at the trailer center of  
25 gravity rather than the rear of the trailer but so as to maintain  
26 a downward force on the trailer tongue;

27 (63) "Used parts dealer", a business that buys and sells  
28 used motor vehicle parts or accessories, but not including a

1 business that sells only new, remanufactured or rebuilt parts.  
2 "Business" does not include isolated sales at a swap meet of less  
3 than three days;

4 (64) "Vanpool", any van or other motor vehicle used or  
5 maintained by any person, group, firm, corporation, association,  
6 city, county or state agency, or any member thereof, for the  
7 transportation of not less than eight nor more than forty-eight  
8 employees, per motor vehicle, to and from their place of  
9 employment; however, a vanpool shall not be included in the  
10 definition of the term "bus" or "commercial motor vehicle" as  
11 defined by subdivisions (6) and (7) of this section, nor shall a  
12 vanpool driver be deemed a "chauffeur" as that term is defined by  
13 section 302.010, RSMo; nor shall use of a vanpool vehicle for  
14 ride-sharing arrangements, recreational, personal, or maintenance  
15 uses constitute an unlicensed use of the motor vehicle, unless  
16 used for monetary profit other than for use in a ride-sharing  
17 arrangement;

18 (65) "Vehicle", any mechanical device on wheels, designed  
19 primarily for use, or used, on highways, except motorized  
20 bicycles, vehicles propelled or drawn by horses or human power,  
21 or vehicles used exclusively on fixed rails or tracks, or cotton  
22 trailers or motorized wheelchairs operated by handicapped  
23 persons;

24 (66) "Wrecker" or "tow truck", any emergency commercial  
25 vehicle equipped, designed and used to assist or render aid and  
26 transport or tow disabled or wrecked vehicles from a highway,  
27 road, street or highway rights-of-way to a point of storage or  
28 repair, including towing a replacement vehicle to replace a

disabled or wrecked vehicle;

(67) "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.

301.029. 1. Any self-propelled sprayer, floater, or other form of implement of husbandry that is used for spraying chemicals or spreading fertilizer for agricultural purposes may be moved or operated on the highways of this state without complying with the provisions of this chapter relating to titling, registration and the display of license plates.

2. The exemption from titling, registration, and the display of license plates provided for in subsection 1 of this section shall apply whether the described vehicles are laden or unladen.

3. All other requirements of the law relating to motor vehicles, unless the context clearly provides otherwise, shall apply to the vehicles described in subsection one of this section when operated on the highways of this state.

4. As used in this section, the term "implements of husbandry" means all self-propelled machinery manufactured to be operated at low speeds, specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary offroad usage and used exclusively for the application of commercial plant food materials or agricultural chemicals.

301.030. 1. The director shall provide for the retention of license plates by the owners of motor vehicles, other than

1 commercial motor vehicles, and shall establish a system of  
2 registration on a monthly series basis to distribute the work of  
3 registering motor vehicles as uniformly as practicable throughout  
4 the twelve months of the calendar year. For the purpose of  
5 assigning license plate numbers, each type of motor vehicle shall  
6 be considered a separate class. Commencing July 1, 1949, motor  
7 vehicles, other than commercial motor vehicles, shall be  
8 registered for a period of twelve consecutive calendar months.  
9 There are established twelve registration periods, each of which  
10 shall start on the first day of each calendar month of the year  
11 and shall end on the last date of the twelfth month from the date  
12 of beginning.

13 2. Motor vehicles, other than commercial motor vehicles,  
14 operated for the first time upon the public highways of this  
15 state, to and including the fifteenth day of any given month,  
16 shall be subject to registration and payment of a fee for the  
17 twelve-month period commencing the first day of the month of such  
18 operation; motor vehicles, other than commercial motor vehicles,  
19 operated for the first time on the public highways of this state  
20 after the fifteenth day of any given month shall be subject to  
21 registration and payment of a fee for the twelve-month period  
22 commencing the first day of the next following calendar month.

23 3. All commercial motor vehicles and trailers, except those  
24 licensed under section 301.035 and those operated under  
25 agreements as provided for in sections 301.271 to 301.279, shall  
26 be registered either on a calendar year basis or on a prorated  
27 basis as provided in this section. The fees for commercial motor  
28 vehicles, trailers, semitrailers, and driveaway vehicles, other

1 than those to be operated under agreements as provided for in  
2 sections 301.271 to 301.279 shall be payable not later than the  
3 last day of February of each year, except when such vehicle is  
4 licensed between April first and July first the fee shall be  
5 three-fourths the annual fee, when licensed between July first  
6 and October first the fee shall be one-half the annual fee and  
7 when licensed on or after October first the fee shall be  
8 one-fourth the annual fee. Such license plates shall be made  
9 with fully reflective material with a common color scheme and  
10 design, shall be clearly visible at night, and shall be  
11 aesthetically attractive, as prescribed by section 301.130.

12 Local commercial motor vehicle license plates **[shall]** may also be  
13 so stamped, marked or designed as to indicate they are to be used  
14 only on local commercial motor vehicles and, in addition to such  
15 stamp, mark or design, the letter "F" shall also be displayed on  
16 local commercial motor vehicle license plates issued to motor  
17 vehicles used for farm or farming transportation operations as  
18 defined in section 301.010 in the manner prescribed by the  
19 advisory committee established in section 301.129. In addition,  
20 all commercial motor vehicle license plates **[shall]** may be so  
21 stamped or marked with a letter, figure or other emblem as to  
22 indicate the gross weight for which issued.

23 4. The director shall, upon application, issue registration  
24 and license plates for nine thousand pounds gross weight for  
25 property-carrying commercial motor vehicles referred to herein,  
26 upon payment of the fees prescribed for twelve thousand pounds  
27 gross weight as provided in section 301.057.

28 301.040. The director of revenue shall notify each

1 registered motor vehicle owner by mail, at the last known  
2 address, within an appropriate period prior to the beginning of  
3 the registration period to which he has been assigned, of the  
4 date for reregistration. Such notice shall include an  
5 application blank for registration and shall specify the amount  
6 of license fees due and the registration period covered by such  
7 license. No commercial inserts or other forms of advertising  
8 shall accompany the notice. Application blanks shall also be  
9 furnished all branch offices of the department of revenue and  
10 license fee offices designated by the director of revenue under  
11 the provisions of section 136.055, RSMo, where they shall be made  
12 available to any person upon request. Failure of the owner to  
13 receive such notice shall not relieve the owner of the  
14 requirement to register pursuant to this chapter.

15 301.131. 1. Any motor vehicle over twenty-five years old  
16 which is owned solely as a collector's item and which is used and  
17 intended to be used for exhibition and educational purposes shall  
18 be permanently registered upon payment of a registration fee of  
19 twenty-five dollars. Upon the transfer of the title to any such  
20 vehicle the registration shall be canceled and the license plates  
21 issued therefor shall be returned to the director of revenue.

22 2. The owner of any such vehicle shall file an application  
23 in a form prescribed by the director, if such vehicle meets the  
24 requirements of this section, and a certificate of registration  
25 shall be issued therefor. Such certificate need not specify the  
26 horsepower of the motor vehicle.

27 3. The director shall issue to the owner of any motor  
28 vehicle registered pursuant to this section the same number of

1 license plates which would be issued with a regular annual  
2 registration, containing the number assigned to the registration  
3 certificate issued by the director of revenue. Such license  
4 plates shall be made with fully reflective material with a common  
5 color scheme and design, shall be clearly visible at night, and  
6 shall be aesthetically attractive, as prescribed by section  
7 301.130.

8 4. Historic vehicles may be driven to and from repair  
9 facilities one hundred miles from the vehicle's location, and in  
10 addition may be driven up to one thousand miles per year for  
11 personal use. The owner of the historic vehicle shall be  
12 responsible for keeping a log of the miles driven for personal  
13 use each calendar year. Such log must be kept in the historic  
14 vehicle when the vehicle is driven on any state road. The  
15 historic vehicle's mileage driven in an antique auto tour or  
16 event and mileage driven to and from such a tour or event shall  
17 not be considered mileage driven for the purpose of the mileage  
18 limitations in this section. Violation of this section [is a  
19 class C misdemeanor] shall be punishable under section 301.440  
20 and in addition to any other penalties prescribed by law, upon  
21 [conviction] plea or finding of guilt thereof, the director of  
22 revenue shall revoke the historic motor vehicle license plates of  
23 such violator which were issued pursuant to this section.

24 5. Notwithstanding any provisions of this section to the  
25 contrary, any person possessing a license plate issued by the  
26 state of Missouri that is over twenty-five years old, in which  
27 the year of the issuance of such plate is consistent with the  
28 year of the manufacture of the vehicle, the owner of the vehicle

1 may register such plate as an historic vehicle plate as set forth  
2 in subsections 1 and 2 of this section, provided that the  
3 configuration of letters, numbers or combination of letters and  
4 numbers of such plate are not identical to the configuration of  
5 letters, numbers or combination of letters and numbers of any  
6 plates already issued to an owner by the director. Such license  
7 plate shall not be required to possess the characteristic  
8 features of reflective material and common color scheme and  
9 design as prescribed in section 301.130. The owner of the  
10 historic vehicle registered pursuant to this subsection shall  
11 keep the certificate of registration in the vehicle at all times.  
12 The certificate of registration shall be prima facie evidence  
13 that the vehicle has been properly registered with the director  
14 and that all fees have been paid.

15 301.150. 1. License plates issued to owners of motor  
16 vehicles registered pursuant to the monthly series system of  
17 registration as provided in section 301.030 shall be removed on  
18 the sale or transfer of ownership of such vehicles. The plates,  
19 if still current, may thereafter be retained and preserved by the  
20 person to whom issued, to be fastened to such other motor  
21 vehicles as such person shall thereafter register in the person's  
22 name.

23 2. If application for registration of another motor vehicle  
24 is not made to the director of revenue within one year following  
25 the sale or transfer of ownership of a motor vehicle, the license  
26 plates held by the person who sold or transferred ownership of  
27 such motor vehicle shall be declared void, and new license plates  
28 bearing the same numbers may be issued to another registrant.



1           3. It shall be unlawful to fasten voided plates to any  
2 motor vehicle. Violation of this section shall be [deemed a class  
3 C misdemeanor] punishable under section 301.440.

4           301.301. 1. Any person replacing a stolen license plate  
5 tab issued on or after January 1, 2009, may receive at no cost up  
6 to two sets of two license plate tabs per year when the  
7 application for the replacement tab is accompanied with a police  
8 report that is corresponding with the stolen license plate tab.

9           2. Any person replacing a stolen license plate tab issued  
10 prior to January 1, 2009, may receive at no cost up to two sets  
11 of two license plate tabs per year when the application for the  
12 replacement tab is accompanied with a notarized affidavit  
13 verifying that such license plate tab or tabs were stolen.

14           301.310. 1. Whenever a law enforcement officer observes a  
15 plate to be in such condition as to hinder or make difficult  
16 identification of same, he shall notify the director of revenue  
17 and instruct the owner to apply for a duplicate plate.

18           2. If the owner has not made application within fifteen  
19 days, the director of revenue may cancel such registration and  
20 notify the registrant and such cancellation shall remain in force  
21 until the application has been filed.

22           3. The director of revenue may at his discretion replace  
23 worn plates without cost to the registrant.

24           4. Failure to surrender a mutilated or worn plate for which  
25 duplicate has been issued shall be [deemed a misdemeanor]  
26 punishable under section 301.440.

27           301.420. No person shall willfully or knowingly make a  
28 false statement in any application for the registration of a

1 motor vehicle or trailer, or as a dealer, or in an application  
2 for or assignment of a certificate of ownership. All blanks or  
3 forms issued by the director of revenue for the purpose of making  
4 application for registration of certificate of ownership shall  
5 conspicuously bear on the face thereof the following words: "Any  
6 false statement in this application is a violation of the law and  
7 may be punished by fine or imprisonment or both". Violation of  
8 this section shall be a class C misdemeanor.

9 301.440. Any person who violates any provision of sections  
10 301.010 to 301.440 for which no specific punishment is provided  
11 shall upon [conviction] a plea or finding of guilt thereof be  
12 [punished] guilty of an infraction punishable by a fine of not  
13 less than five dollars or more than five hundred dollars [or by  
14 imprisonment in the county jail for a term not exceeding one  
15 year, or by both the fine and imprisonment].

16 301.640. 1. [Upon] Within five business days after the  
17 satisfaction of any lien or encumbrance of a motor vehicle or  
18 trailer, the lienholder shall[, within ten business days] release  
19 the lien or encumbrance on the certificate or a separate  
20 document, and mail or deliver the certificate or a separate  
21 document to the owner or any person who delivers to the  
22 lienholder an authorization from the owner to receive the  
23 certificate or such documentation. The release on the  
24 certificate or separate document shall be notarized. Each  
25 perfected subordinate lienholder, if any, shall release such lien  
26 or encumbrance as provided in this section for the first  
27 lienholder. The owner may cause the certificate to be mailed or  
28 delivered to the director of revenue, who shall issue a new

1 certificate of ownership upon application and payment of the  
2 required fee. A lien or encumbrance shall be satisfied for the  
3 purposes of this section when a lienholder receives payment in  
4 full in the form of certified funds, as defined in section  
5 381.410, RSMo, or when the lienholder receives payment in full  
6 electronically or by way of electronic funds transfer, whichever  
7 first occurs.

8 2. If the electronic certificate of ownership is in the  
9 possession of the director of revenue, the lienholder shall  
10 notify the director within ~~[ten]~~ five business days ~~[of]~~ after  
11 any release of a lien and provide the director with the most  
12 current address of the owner or any person who delivers to the  
13 lienholder an authorization from the owner to receive the  
14 certificate or such documentation. The director shall note such  
15 release on the electronic certificate and if no other lien exists  
16 the director shall mail or deliver the certificate free of any  
17 lien to the owner or any person who has delivered to the  
18 lienholder an authorization from the owner to receive the  
19 certificate or such documentation from the director.

20 3. If the purchase price of a motor vehicle or trailer did  
21 not exceed six thousand dollars at the time of purchase, a lien  
22 or encumbrance which was not perfected by a motor vehicle  
23 financing corporation whose net worth exceeds one hundred million  
24 dollars, or a depository institution, shall be considered  
25 satisfied within six years from the date the lien or encumbrance  
26 was originally perfected unless a new lien or encumbrance has  
27 been perfected as provided in section 301.600. This subsection  
28 does not apply to motor vehicles or trailers for which the

1 certificate of ownership has recorded in the second lienholder  
2 portion the words "subject to future advances".

3 4. Any lienholder who fails to timely comply with  
4 subsection 1 or 2 of this section shall pay to the person or  
5 persons satisfying the lien or encumbrance [twenty-five dollars  
6 for the first ten business days after expiration of the time  
7 period prescribed in subsection 1 or 2 of this section, and such  
8 payment shall double for each ten days thereafter in which there  
9 is continued noncompliance, up to a maximum of five hundred  
10 dollars for each lien] liquidated damages up to a maximum of two  
11 thousand five hundred dollars for each lien. Liquidated damages  
12 shall be five hundred dollars if the lienholder does not comply  
13 within five business days after satisfaction of the lien or  
14 encumbrance. Liquidated damages shall be one thousand dollars if  
15 the lienholder does not comply within ten business days after  
16 satisfaction of the lien or encumbrance. Liquidated damages  
17 shall be two thousand dollars if the lienholder does not comply  
18 within fifteen business days after satisfaction of the lien or  
19 encumbrance. Liquidated damages shall be two thousand five  
20 hundred dollars if the lienholder does not comply within twenty  
21 business days after satisfaction of the lien or encumbrance. If  
22 delivery of the certificate or other lien release is made by  
23 mail, the delivery date is the date of the postmark for purposes  
24 of this subsection. In computing any period of time prescribed  
25 or allowed by this section, the day of the act or event after  
26 which the designated period of time begins to run is not to be  
27 counted. However, the last day of the period so computed is to  
28 be included, unless it is a Saturday, Sunday, or a legal holiday,

1 in which event the period runs until the end of the next day that  
2 is not a Saturday, Sunday, or legal holiday.

3 5. Any person who knowingly and intentionally sends in a  
4 separate document releasing a lien of another without authority  
5 to do so shall be guilty of a class C felony.

6 301.716. 1. Any violation of the provisions of sections  
7 301.700 to 301.714 shall be an infraction. An arrest or service  
8 of summons for violations of the provisions of sections 301.700  
9 to 301.714 and section 577.065, RSMo, or the provisions of this  
10 chapter, chapter 304, RSMo, or 307, RSMo, as such provisions  
11 relate to all-terrain vehicles may be made by the duly authorized  
12 law enforcement officer of any political subdivision of the  
13 state, the highway patrol and the state water patrol.

14 2. Violations of sections 301.700 to 301.714 and section  
15 577.065, RSMo, or the provisions of this chapter, chapter 304,  
16 RSMo, or 307, RSMo, as such provisions relate to all-terrain  
17 vehicles or any rule or order hereunder may be referred to the  
18 proper prosecuting attorney or circuit attorney who may, with or  
19 without such reference, institute appropriate [criminal]  
20 proceedings.

21 3. Nothing in sections 301.700 to 301.714 and section  
22 577.065, RSMo, or the provisions of this chapter, chapter 304,  
23 RSMo, or 307, RSMo, as such provisions relate to all-terrain  
24 vehicles limits the power of the state to punish any person for  
25 any conduct which constitutes a crime by statute or at common  
26 law.

27 302.010. Except where otherwise provided, when used in this  
28 chapter, the following words and phrases mean:

1           (1) "Circuit court", each circuit court in the state;

2           (2) "Commercial motor vehicle", a motor vehicle designed or  
3 regularly used for carrying freight and merchandise, or more than  
4 fifteen passengers;

5           (3) "Conviction", any final conviction; also a forfeiture  
6 of bail or collateral deposited to secure a defendant's  
7 appearance in court, which forfeiture has not been vacated, shall  
8 be equivalent to a conviction, except that when any conviction as  
9 a result of which points are assessed pursuant to section 302.302  
10 is appealed, the term "conviction" means the original judgment of  
11 conviction for the purpose of determining the assessment of  
12 points, and the date of final judgment affirming the conviction  
13 shall be the date determining the beginning of any license  
14 suspension or revocation pursuant to section 302.304;

15           (4) "Director", the director of revenue acting directly or  
16 through the director's authorized officers and agents;

17           (5) "Farm tractor", every motor vehicle designed and used  
18 primarily as a farm implement for drawing plows, mowing machines  
19 and other implements of husbandry;

20           (6) "Highway", any public thoroughfare for vehicles,  
21 including state roads, county roads and public streets, avenues,  
22 boulevards, parkways, or alleys in any municipality;

23           (7) "Incompetent to drive a motor vehicle", a person who  
24 has become physically incapable of meeting the prescribed  
25 requirements of an examination for an operator's license, or who  
26 has been adjudged by a probate division of the circuit court in a  
27 capacity hearing of being incapacitated;

28           (8) "License", a license issued by a state to a person

1     which authorizes a person to operate a motor vehicle;

2           (9)   "Motor vehicle", any self-propelled vehicle not  
3     operated exclusively upon tracks except motorized bicycles, as  
4     defined in section 307.180, RSMo;

5           (10)  "Motorcycle", a motor vehicle operated on two wheels;  
6     however, this definition shall not include motorized bicycles as  
7     defined in section 301.010, RSMo;

8           (11)  "Motortricycle", a motor vehicle operated on three  
9     wheels, including a motorcycle operated with any conveyance,  
10    temporary or otherwise, requiring the use of a third wheel;

11          (12)  "Moving violation", that character of traffic  
12    violation where at the time of violation the motor vehicle  
13    involved is in motion, except that the term does not include the  
14    driving of a motor vehicle without a valid motor vehicle  
15    registration license, or violations of sections 304.170 to  
16    304.240, RSMo, inclusive, relating to sizes and weights of  
17    vehicles;

18          (13)  "Municipal court", every division of the circuit court  
19    having original jurisdiction to try persons for violations of  
20    city ordinances;

21          (14)  "Nonresident", every person who is not a resident of  
22    this state;

23          (15)  "Operator", every person who is in actual physical  
24    control of a motor vehicle upon a highway;

25          (16)  "Owner", a person who holds the legal title of a  
26    vehicle or in the event a vehicle is the subject of an agreement  
27    for the conditional sale or lease thereof with the right of  
28    purchase upon performance of the conditions stated in the

1 agreement and with an immediate right of possession vested in the  
2 conditional vendee or lessee, or in the event a mortgagor of a  
3 vehicle is entitled to possession, then such conditional vendee  
4 or lessee or mortgagor shall be deemed the owner for the purpose  
5 of sections 302.010 to 302.540;

6 (17) "Record" includes, but is not limited to, papers,  
7 documents, facsimile information, microphotographic process,  
8 electronically generated or electronically recorded information,  
9 digitized images, deposited or filed with the department of  
10 revenue;

11 (18) "Residence address", residence, or resident address  
12 shall be the location or residence within this state in which the  
13 applicant physically currently resides. Proof of such address,  
14 residence, or resident address may be required in the form of  
15 voter registration or other such form established by the director  
16 by administrative rule;

17 (19) "Restricted driving privilege", a driving privilege  
18 issued by the director of revenue following a suspension of  
19 driving privileges for the limited purpose of driving in  
20 connection with the driver's business, occupation, employment,  
21 formal program of secondary, postsecondary or higher education,  
22 or for an alcohol education or treatment program;

23 [(19)] (20) "School bus", when used in sections 302.010 to  
24 302.540, means any motor vehicle, either publicly or privately  
25 owned, used to transport students to and from school, or to  
26 transport pupils properly chaperoned to and from any place within  
27 the state for educational purposes. The term "school bus" shall  
28 not include a bus operated by a public utility, municipal



1 corporation or common carrier authorized to conduct local or  
2 interstate transportation of passengers when such bus is not  
3 traveling a specific school bus route but is:

4 (a) On a regularly scheduled route for the transportation  
5 of fare-paying passengers; or

6 (b) Furnishing charter service for the transportation of  
7 persons enrolled as students on field trips or other special  
8 trips or in connection with other special events;

9 [(20)] (21) "School bus operator", an operator who  
10 operates a school bus as defined in subdivision [(19)] (20) of  
11 this section in the transportation of any schoolchildren and who  
12 receives compensation for such service. The term "school bus  
13 operator" shall not include any person who transports  
14 schoolchildren as an incident to employment with a school or  
15 school district, such as a teacher, coach, administrator,  
16 secretary, school nurse, or janitor unless such person is under  
17 contract with or employed by a school or school district as a  
18 school bus operator;

19 [(21)] (22) "Signature", any method determined by the  
20 director of revenue for the signing, subscribing or verifying of  
21 a record, report, application, driver's license, or other related  
22 document that shall have the same validity and consequences as  
23 the actual signing by the person providing the record, report,  
24 application, driver's license or related document;

25 [(22)] (23) "Substance abuse traffic offender program", a  
26 program certified by the division of alcohol and drug abuse of  
27 the department of mental health to provide education or  
28 rehabilitation services pursuant to a professional assessment

1 screening to identify the individual needs of the person who has  
2 been referred to the program as the result of an alcohol- or  
3 drug-related traffic offense. Successful completion of such a  
4 program includes participation in any education or rehabilitation  
5 program required to meet the needs identified in the assessment  
6 screening. The assignment recommendations based upon such  
7 assessment shall be subject to judicial review as provided in  
8 subsection 13 of section 302.304 and subsections 1 and 5 of  
9 section 302.540;

10 [(23)] (24) "Vehicle", any mechanical device on wheels,  
11 designed primarily for use, or used on highways, except motorized  
12 bicycles, vehicles propelled or drawn by horses or human power,  
13 or vehicles used exclusively on fixed rails or tracks, or cotton  
14 trailers or motorized wheelchairs operated by handicapped  
15 persons.

16 302.272. 1. No person shall operate any school bus owned  
17 by or under contract with a public school or the state board of  
18 education unless such driver has qualified for a school bus  
19 endorsement under this section and complied with the pertinent  
20 rules and regulations of the department of revenue and any final  
21 rule issued by the secretary of the United States Department of  
22 Transportation or has a valid school bus endorsement on a valid  
23 commercial driver's license issued by another state. A school  
24 bus endorsement shall be issued to any applicant who meets the  
25 following qualifications:

26 (1) The applicant has a valid state license issued under  
27 this chapter;

28 (2) The applicant is at least twenty-one years of age; and

1           (3) The applicant has successfully passed an examination  
2 for the operation of a school bus as prescribed by the director  
3 of revenue. The examination shall include any examinations  
4 prescribed by the secretary of the United States Department of  
5 Transportation, and a driving test in the type of vehicle to be  
6 operated. The test shall be completed in the appropriate class  
7 of vehicle to be driven. For purposes of this section classes of  
8 school buses shall comply with the Commercial Motor Vehicle  
9 Safety Act of 1986 (Title XII of Pub. Law 99-570). For drivers  
10 who are at least seventy years of age, such examination shall be  
11 completed annually.

12           2. The director of revenue, to the best of the director's  
13 knowledge, shall not issue or renew a school bus endorsement to  
14 any applicant whose driving record shows that such applicant's  
15 privilege to operate a motor vehicle has been suspended, revoked  
16 or disqualified or whose driving record shows a history of moving  
17 vehicle violations.

18           3. The director of revenue shall not issue or renew a  
19 school bus endorsement to any applicant whose driving record  
20 shows that the applicant has been convicted of an intoxication-  
21 related traffic offense, as that term is defined in section  
22 577.023, RSMo, while operating a school bus. A person found  
23 guilty or pleading guilty to an intoxication-related traffic  
24 offense while operating a school bus shall have his or her school  
25 bus endorsement permanently denied by the court, beginning on the  
26 date of the court's order.

27           4. The director may adopt any rules and regulations  
28 necessary to carry out the provisions of this section. Any rule

1 or portion of a rule, as that term is defined in section 536.010,  
2 RSMo, that is created under the authority delegated in this  
3 section shall become effective only if it complies with and is  
4 subject to all of the provisions of chapter 536, RSMo, and, if  
5 applicable, section 536.028, RSMo. This section and chapter 536,  
6 RSMo, are nonseverable and if any of the powers vested with the  
7 general assembly pursuant to chapter 536, RSMo, to review, to  
8 delay the effective date, or to disapprove and annul a rule are  
9 subsequently held unconstitutional, then the grant of rulemaking  
10 authority and any rule proposed or adopted after August 28, 2004,  
11 shall be invalid and void.

12 [4.] 5. Notwithstanding the requirements of this section,  
13 an applicant who resides in another state and possesses a valid  
14 driver's license from his or her state of residence with a valid  
15 school bus endorsement for the type of vehicle being operated  
16 shall not be required to obtain a Missouri driver's license with  
17 a school bus endorsement.

18 302.275. 1. Any employer of a person licensed pursuant to  
19 section 302.272 to operate a school bus, as that term is defined  
20 in section 301.010, RSMo, shall notify the director of the  
21 department of revenue within ten days of discovering that the  
22 person has failed to pass any drug, alcohol or chemical test  
23 administered pursuant to the requirements of any federal or state  
24 law, rule or regulation regarding the operation of a school bus.  
25 The notification shall consist of the person's name and any other  
26 relevant information required by the director. The director  
27 shall determine the manner in which the notification is made.  
28 Any employer, or any officer of an employer, who knowingly fails

1 to comply with the notification requirement of this section or  
2 who knowingly provides a false notification shall be guilty of an  
3 infraction.

4 2. Whenever a citation for an intoxicated-related traffic  
5 offense, as defined by section 577.023, RSMo, is issued to any  
6 person licensed under section 302.272 to operate a school bus,  
7 the person shall notify the superintendent of the school district  
8 or employing contractor for which he or she operates a school bus  
9 of the citation. Notice of such citation shall be given prior to  
10 the person resuming operation of a school bus. Failure to notify  
11 the school district or the employing contractor of the citation  
12 shall constitute a valid reason to discharge such person from the  
13 school district's or employing contractor's employ.

14 302.305. 1. The director of the department of revenue  
15 shall issue a registration plate impoundment order to any person  
16 whose driver's license has been suspended, revoked, or  
17 disqualified for a period greater than sixty days. The  
18 registration plate impoundment order shall require the  
19 impoundment of the registration plates of all motor vehicles  
20 owned by, registered, or leased in the name of the person whose  
21 driver's license has been suspended, revoked, or disqualified,  
22 including motor vehicles registered solely or jointly in the name  
23 of such individual. The registration plate impoundment order  
24 shall notify the person that he or she has seven days to  
25 surrender all registration plates listed in the registration  
26 impoundment order. Within seven days of receipt of the  
27 registration plate impoundment order, the person shall surrender  
28 his or her current license plates for any motor vehicle

1 registered solely or jointly in the name of such person to the  
2 director of the department of revenue for destruction. If the  
3 person fails to return all license plates to the director within  
4 seven days of receipt of the registration plate impoundment  
5 order, the director shall direct the Missouri state highway  
6 patrol or any peace or police officer to secure the possession of  
7 such license plates. The person shall be issued a set of  
8 restricted license plates that are different in color from  
9 regular plates which shall be displayed on the motor vehicle or  
10 motor vehicles registered solely or jointly in the person's name  
11 for the period of the suspension, revocation, denial, or  
12 disqualification. The applicant shall pay replacement plate fees  
13 as provided in section 301.300, RSMo, for the restricted license  
14 plates in addition to any other registration fees that may apply.  
15 After reinstatement, standard plates shall be obtained under the  
16 requirements and fees established in chapter 301, RSMo.

17 2. Until the driver's license of the motor vehicle owner is  
18 reinstated, any new license plate issued to the motor vehicle  
19 owner shall conform to the provisions of this section.

20 3. Law enforcement officers shall have probable cause to  
21 stop any vehicle displaying restricted license plates issued  
22 under the provisions of this section to determine whether the  
23 driver of such vehicle has a valid driver's license or a limited  
24 driving privilege as described in section 302.309.

25 4. A registered owner of a motor vehicle who has been  
26 issued restricted license plates under the provisions of this  
27 section may not sell the motor vehicle during the period the  
28 motor vehicle is required to display such plates unless the

1 registered owner applies to the department of revenue for  
2 permission to transfer title to the motor vehicle. If the  
3 director of the department of revenue is satisfied that the  
4 proposed sale is in good faith and for a valid consideration, and  
5 that the sale or transfer is not for the purpose of circumventing  
6 the provisions of this section, the director may certify its  
7 consent to the owner of the motor vehicle. Any vehicle acquired  
8 by the applicant during the period of restriction shall display  
9 the restricted license plates.

10 5. If, during the time the restricted license plates are  
11 required to be displayed under this section, the title to a motor  
12 vehicle is transferred by a foreclosure, a sale upon execution,  
13 or other similar legal action, the department shall enter notice  
14 of the transfer of the motor vehicle's title in the motor vehicle  
15 system and the restricted license plates shall be returned to the  
16 department of revenue for destruction.

17 6. No person operating a motor vehicle displaying  
18 restricted license plates as described in this section shall  
19 knowingly replace, disguise, or obscure the color of such plates.

20 7. Nothing contained in this section shall alter or be  
21 construed to alter the obligations of a person with respect to  
22 the taxation of motor vehicles or the time within which a person  
23 must pay personal property taxes upon a motor vehicle.

24 8. The director of the department of revenue is authorized  
25 to promulgate rules and regulations to implement the provisions  
26 of this section. Any rule or portion of a rule, as that term is  
27 defined in section 536.010, RSMo, that is created under the  
28 authority delegated in this section shall become effective only

1 if it complies with and is subject to all of the provisions of  
2 chapter 536, RSMo, and, if applicable, section 536.028, RSMo.  
3 This section and chapter 536, RSMo, are nonseverable and if any  
4 of the powers vested with the general assembly pursuant to  
5 chapter 536, RSMo, to review, to delay the effective date, or to  
6 disapprove and annul a rule are subsequently held  
7 unconstitutional, then the grant of rulemaking authority and any  
8 rule proposed or adopted after August 28, 2007, shall be invalid  
9 and void.

10 9. The provisions of this section shall become effective  
11 January 1, 2008.

12 302.321. 1. A person commits the crime of driving while  
13 revoked if such person operates a motor vehicle on a highway when  
14 such person's license or driving privilege has been canceled,  
15 suspended, or revoked under the laws of this state or any other  
16 state and acts with criminal negligence with respect to knowledge  
17 of the fact that such person's driving privilege has been  
18 canceled, suspended, or revoked.

19 2. Any person convicted of driving while revoked is guilty  
20 of a class A misdemeanor. If the person convicted of driving  
21 while revoked was operating a school bus at the time of the  
22 offense, the person shall be fined not less than one thousand  
23 dollars if the offense is otherwise a class A misdemeanor. Any  
24 person with no prior alcohol-related enforcement contacts as  
25 defined in section 302.525, convicted a fourth or subsequent time  
26 of driving while revoked or a county or municipal ordinance of  
27 driving while suspended or revoked where the defendant was  
28 represented by or waived the right to an attorney in writing, and



1 where the prior three driving-while-revoked offenses occurred  
2 within ten years of the date of occurrence of the present  
3 offense; and any person with a prior alcohol-related enforcement  
4 contact as defined in section 302.525, convicted a third or  
5 subsequent time of driving while revoked or a county or municipal  
6 ordinance of driving while suspended or revoked where the  
7 defendant was represented by or waived the right to an attorney  
8 in writing, and where the prior two driving-while-revoked  
9 offenses occurred within ten years of the date of occurrence of  
10 the present offense and where the person received and served a  
11 sentence of ten days or more on such previous offenses is guilty  
12 of a class D felony. No court shall suspend the imposition of  
13 sentence as to such a person nor sentence such person to pay a  
14 fine in lieu of a term of imprisonment, nor shall such person be  
15 eligible for parole or probation until such person has served a  
16 minimum of forty-eight consecutive hours of imprisonment, unless  
17 as a condition of such parole or probation, such person performs  
18 at least ten days involving at least forty hours of community  
19 service under the supervision of the court in those jurisdictions  
20 which have a recognized program for community service. Driving  
21 while revoked is a class D felony on the second or subsequent  
22 conviction pursuant to section 577.010, RSMo, or a fourth or  
23 subsequent conviction for any other offense.

24 302.545. 1. Any person who is less than twenty-one years  
25 of age and whose driving privilege has been suspended or revoked,  
26 for a first determination under sections 302.500 to 302.540, that  
27 such person was driving with two-hundredths of one percent of  
28 blood alcohol content, shall have all official records and all

1 recordations maintained by the department of revenue of such  
2 suspension or revocation expunged two years after the date of  
3 such suspension or revocation, or when such person attains the  
4 age of twenty-one, whichever date first occurs. Such expungement  
5 shall be performed by the department of revenue without need of a  
6 court order. No records shall be expunged until three years  
7 after the date of suspension or revocation, if the person was  
8 holding a commercial driver's license at the time of the offense,  
9 or if the person was found guilty or pled guilty to operating a  
10 commercial motor vehicle, as defined in section 302.700, with a  
11 blood alcohol content of at least four-hundredths of one percent.

12 2. The provisions of this section shall not apply to any  
13 person whose license is suspended or revoked for a second or  
14 subsequent time pursuant to subsection 1 of this section or who  
15 is convicted of any alcohol-related driving offense before the  
16 age of twenty-one including, but not limited to:

17 (1) Driving while intoxicated pursuant to section 577.010,  
18 RSMo; or

19 (2) Driving with excessive blood alcohol content pursuant  
20 to section 577.012, RSMo.

21 302.700. 1. Sections 302.700 to 302.780 may be cited as  
22 the "Uniform Commercial Driver's License Act".

23 2. When used in sections 302.700 to 302.780, the following  
24 words and phrases mean:

25 (1) "Alcohol", any substance containing any form of  
26 alcohol, including, but not limited to, ethanol, methanol,  
27 propanol and isopropanol;

28 (2) "Alcohol concentration", the number of grams of alcohol

1 per one hundred milliliters of blood or the number of grams of  
2 alcohol per two hundred ten liters of breath or the number of  
3 grams of alcohol per sixty-seven milliliters of urine;

4 (3) "Commercial driver's instruction permit", a permit  
5 issued pursuant to section 302.720;

6 (4) "Commercial driver's license", a license issued by this  
7 state to an individual which authorizes the individual to operate  
8 a commercial motor vehicle;

9 (5) "Commercial driver's license information system", the  
10 information system established pursuant to the Commercial Motor  
11 Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) to  
12 serve as a clearinghouse for locating information related to the  
13 licensing and identification of commercial motor vehicle drivers;

14 (6) "Commercial motor vehicle", a motor vehicle designed or  
15 used to transport passengers or property:

16 (a) If the vehicle has a gross combination weight rating of  
17 twenty-six thousand one or more pounds inclusive of a towed unit  
18 which has a gross vehicle weight rating of ten thousand one  
19 pounds or more;

20 (b) If the vehicle has a gross vehicle weight rating of  
21 twenty-six thousand one or more pounds or such lesser rating as  
22 determined by federal regulation;

23 (c) If the vehicle is designed to transport sixteen or more  
24 passengers, including the driver; or

25 (d) If the vehicle is transporting hazardous materials and  
26 is required to be placarded under the Hazardous Materials  
27 Transportation Act (46 U.S.C. 1801 et seq.);

28 (7) "Controlled substance", any substance so classified

1 under Section 102(6) of the Controlled Substances Act (21 U.S.C.  
2 802(6)), and includes all substances listed in schedules I  
3 through V of 21 CFR part 1308, as they may be revised from time  
4 to time;

5 (8) "Conviction", an unvacated adjudication of guilt,  
6 including pleas of guilt and nolo contendere, or a determination  
7 that a person has violated or failed to comply with the law in a  
8 court of original jurisdiction or an authorized administrative  
9 proceeding, an unvacated forfeiture of bail or collateral  
10 deposited to secure the person's appearance in court, the payment  
11 of a fine or court cost, or violation of a condition of release  
12 without bail, regardless of whether the penalty is rebated,  
13 suspended or prorated, including an offense for failure to appear  
14 or pay;

15 (9) "Director", the director of revenue or his authorized  
16 representative;

17 (10) "Disqualification", any of the following three  
18 actions:

19 (a) The suspension, revocation, or cancellation of a  
20 commercial driver's license;

21 (b) Any withdrawal of a person's privileges to drive a  
22 commercial motor vehicle by a state as the result of a violation  
23 of federal, state, county, municipal, or local law relating to  
24 motor vehicle traffic control or violations committed through the  
25 operation of motor vehicles, other than parking, vehicle weight,  
26 or vehicle defect violations;

27 (c) A determination by the Federal Motor Carrier Safety  
28 Administration that a person is not qualified to operate a

1 commercial motor vehicle under 49 CFR Part 383.52 or Part 391;

2 (11) "Drive", to drive, operate or be in physical control  
3 of a commercial motor vehicle;

4 (12) "Driver", any person who drives, operates, or is in  
5 physical control of a motor vehicle, or who is required to hold a  
6 commercial driver's license;

7 (13) "Driving under the influence of alcohol", the  
8 commission of any one or more of the following acts:

9 (a) Driving a commercial motor vehicle with the alcohol  
10 concentration of four one-hundredths of a percent or more as  
11 prescribed by the secretary or such other alcohol concentration  
12 as may be later determined by the secretary by regulation;

13 (b) Driving a commercial or noncommercial motor vehicle  
14 while intoxicated in violation of any federal or state law, or in  
15 violation of a county or municipal ordinance;

16 (c) Driving a commercial or noncommercial motor vehicle  
17 with excessive blood alcohol content in violation of any federal  
18 or state law, or in violation of a county or municipal ordinance;

19 (d) Refusing to submit to a chemical test in violation of  
20 section 577.041, RSMo, section 302.750, any federal or state law,  
21 or a county or municipal ordinance; or

22 (e) Having any state, county or municipal alcohol-related  
23 enforcement contact, as defined in subsection 3 of section  
24 302.525; provided that any suspension or revocation pursuant to  
25 section 302.505, committed in a noncommercial motor vehicle by an  
26 individual twenty-one years of age or older shall have been  
27 committed by the person with an alcohol concentration of at least  
28 eight-hundredths of one percent or more, or in the case of an

1 individual who is less than twenty-one years of age, shall have  
2 been committed by the person with an alcohol concentration of at  
3 least two-hundredths of one percent or more, and if committed in  
4 a commercial motor vehicle, a concentration of four-hundredths of  
5 one percent or more;

6 (14) "Driving under the influence of a controlled  
7 substance", the commission of any one or more of the following  
8 acts in a commercial or noncommercial motor vehicle:

9 (a) Driving a commercial or noncommercial motor vehicle  
10 while under the influence of any substance so classified under  
11 Section 102(6) of the Controlled Substances Act (21 U.S.C.  
12 802(6)), including any substance listed in schedules I through V  
13 of 21 CFR Part 1308, as they may be revised from time to time;

14 (b) Driving a commercial or noncommercial motor vehicle  
15 while in a drugged condition in violation of any federal or state  
16 law or in violation of a county or municipal ordinance; or

17 (c) Refusing to submit to a chemical test in violation of  
18 section 577.041, RSMo, section 302.750, any federal or state law,  
19 or a county or municipal ordinance;

20 (15) "Employer", any person, including the United States, a  
21 state, or a political subdivision of a state, who owns or leases  
22 a commercial motor vehicle or assigns a driver to operate such a  
23 vehicle;

24 (16) "Farm vehicle", a commercial motor vehicle controlled  
25 and operated by a farmer used exclusively for the transportation  
26 of agricultural products, farm machinery, farm supplies, or a  
27 combination of these, within one hundred fifty miles of the farm,  
28 other than one which requires placarding for hazardous materials

1 as defined in this section, or used in the operation of a common  
2 or contract motor carrier, except that a farm vehicle shall not  
3 be a commercial motor vehicle when the total combined gross  
4 weight rating does not exceed twenty-six thousand one pounds when  
5 transporting fertilizers as defined in subdivision (21) of this  
6 subsection;

7 (17) "Fatality", the death of a person as a result of a  
8 motor vehicle accident;

9 (18) "Felony", any offense under state or federal law that  
10 is punishable by death or imprisonment for a term exceeding one  
11 year;

12 (19) "Gross combination weight rating" or "GCWR", the value  
13 specified by the manufacturer as the loaded weight of a  
14 combination (articulated) vehicle. In the absence of a value  
15 specified by the manufacturer, GCWR will be determined by adding  
16 the GVWR of the power unit and the total weight of the towed unit  
17 and any load thereon;

18 (20) "Gross vehicle weight rating" or "GVWR", the value  
19 specified by the manufacturer as the loaded weight of a single  
20 vehicle;

21 (21) "Hazardous materials", hazardous materials as  
22 specified in Section 103 of the Hazardous Materials  
23 Transportation Act (49 U.S.C. 1801 et seq.). Fertilizers,  
24 including but not limited to ammonium nitrate, phosphate,  
25 nitrogen, anhydrous ammonia, lime, potash, motor fuel or special  
26 fuel, shall not be considered hazardous materials when  
27 transported by a farm vehicle provided all other provisions of  
28 this definition are followed;

1           (22) "Imminent hazard", the existence of a condition that  
2 presents a substantial likelihood that death, serious illness,  
3 severe personal injury, or a substantial endangerment to health,  
4 property, or the environment may occur before the reasonably  
5 foreseeable completion date of a formal proceeding begins to  
6 lessen the risk of that death, illness, injury, or endangerment;

7           (23) "Issuance", the initial licensure, license transfers,  
8 license renewals, and license upgrades;

9           (24) "Motor vehicle", any self-propelled vehicle not  
10 operated exclusively upon tracks;

11           (25) "Noncommercial motor vehicle", a motor vehicle or  
12 combination of motor vehicles not defined by the term "commercial  
13 motor vehicle" in this section;

14           (26) "Out of service", a temporary prohibition against the  
15 operation of a commercial motor vehicle by a particular driver,  
16 or the operation of a particular commercial motor vehicle, or the  
17 operation of a particular motor carrier;

18           (27) "Out-of-service order", a declaration by the Federal  
19 Highway Administration, or any authorized enforcement officer of  
20 a federal, state, Commonwealth of Puerto Rico, Canadian, Mexican  
21 or any local jurisdiction, that a driver, or a commercial motor  
22 vehicle, or a motor carrier operation, is out of service;

23           (28) "School bus", a commercial motor vehicle used to  
24 transport preprimary, primary, or secondary school students from  
25 home to school, from school to home, or to and from  
26 school-sponsored events. School bus does not include a bus used  
27 as a common carrier as defined by the Secretary;

28           (29) "Secretary", the Secretary of Transportation of the



1 United States;

2 (30) "Serious traffic violation", driving a commercial  
3 motor vehicle in such a manner that the driver receives a  
4 conviction for the following offenses or driving a noncommercial  
5 motor vehicle when the driver receives a conviction for the  
6 following offenses and the conviction results in the suspension  
7 or revocation of the driver's license or noncommercial motor  
8 vehicle driving privilege:

9 (a) Excessive speeding, as defined by the Secretary by  
10 regulation;

11 (b) Careless, reckless or imprudent driving which includes,  
12 but shall not be limited to, any violation of section 304.016,  
13 RSMo, any violation of section 304.010, RSMo, or any other  
14 violation of federal or state law, or any county or municipal  
15 ordinance while driving a commercial motor vehicle in a willful  
16 or wanton disregard for the safety of persons or property, or  
17 improper or erratic traffic lane changes, or following the  
18 vehicle ahead too closely, but shall not include careless and  
19 imprudent driving by excessive speed;

20 (c) A violation of any federal or state law or county or  
21 municipal ordinance regulating the operation of motor vehicles  
22 arising out of an accident or collision which resulted in death  
23 to any person, other than a parking violation;

24 (d) Driving a commercial motor vehicle without obtaining a  
25 commercial driver's license in violation of any federal or state  
26 or county or municipal ordinance;

27 (e) Driving a commercial motor vehicle without a commercial  
28 driver's license in the driver's possession in violation of any

1 federal or state or county or municipal ordinance. Any  
2 individual who provides proof to the court which has jurisdiction  
3 over the issued citation that the individual held a valid  
4 commercial driver's license on the date that the citation was  
5 issued shall not be guilty of this offense;

6 (f) Driving a commercial motor vehicle without the proper  
7 commercial driver's license class or endorsement for the specific  
8 vehicle group being operated or for the passengers or type of  
9 cargo being transported in violation of any federal or state law  
10 or county or municipal ordinance; or

11 (g) Any other violation of a federal or state law or county  
12 or municipal ordinance regulating the operation of motor  
13 vehicles, other than a parking violation, as prescribed by the  
14 secretary by regulation;

15 (31) "State", a state, territory or possession of the  
16 United States, the District of Columbia, the Commonwealth of  
17 Puerto Rico, Mexico, and any province of Canada;

18 (32) "United States", the fifty states and the District of  
19 Columbia.

20 302.720. 1. Except when operating under an instruction  
21 permit as described in this section, no person may drive a  
22 commercial motor vehicle unless the person has been issued a  
23 commercial driver's license with applicable endorsements valid  
24 for the type of vehicle being operated as specified in sections  
25 302.700 to 302.780. A commercial driver's instruction permit  
26 shall allow the holder of a valid license to operate a commercial  
27 motor vehicle when accompanied by the holder of a commercial  
28 driver's license valid for the vehicle being operated and who

1 occupies a seat beside the individual, or reasonably near the  
2 individual in the case of buses, for the purpose of giving  
3 instruction in driving the commercial motor vehicle. A  
4 commercial driver's instruction permit shall be valid for the  
5 vehicle being operated for a period of not more than six months,  
6 and shall not be issued until the permit holder has met all other  
7 requirements of sections 302.700 to 302.780, except for the  
8 driving test. A permit holder, unless otherwise disqualified,  
9 may be granted one six-month renewal within a one-year period.  
10 The fee for such permit or renewal shall be five dollars. In the  
11 alternative, a commercial driver's instruction permit shall be  
12 issued for a thirty-day period to allow the holder of a valid  
13 driver's license to operate a commercial motor vehicle if the  
14 applicant has completed all other requirements except the driving  
15 test. The permit may be renewed for one additional thirty-day  
16 period and the fee for the permit and for renewal shall be five  
17 dollars.

18 2. No person may be issued a commercial driver's license  
19 until he has passed written and driving tests for the operation  
20 of a commercial motor vehicle which complies with the minimum  
21 federal standards established by the Secretary and has satisfied  
22 all other requirements of the Commercial Motor Vehicle Safety Act  
23 of 1986 (Title XII of Pub. Law 99-570), as well as any other  
24 requirements imposed by state law. Applicants for a hazardous  
25 materials endorsement must also meet the requirements of the U.S.  
26 Patriot Act of 2001 (Title X of Public Law 107-56) as specified  
27 and required by regulations promulgated by the Secretary.  
28 Nothing contained in this subsection shall be construed as

1 prohibiting the director from establishing alternate testing  
2 formats for those who are functionally illiterate; provided,  
3 however, that any such alternate test must comply with the  
4 minimum requirements of the Commercial Motor Vehicle Safety Act  
5 of 1986 (Title XII of Pub. Law 99-570) as established by the  
6 Secretary.

7 (1) The written and driving tests shall be held at such  
8 times and in such places as the superintendent may designate. A  
9 twenty-five dollar examination fee shall be paid by the applicant  
10 upon completion of any written or driving test. The director  
11 shall delegate the power to conduct the examinations required  
12 under sections 302.700 to 302.780 to any member of the highway  
13 patrol or any person employed by the highway patrol qualified to  
14 give driving examinations.

15 (2) The director shall adopt and promulgate rules and  
16 regulations governing the certification of third-party testers by  
17 the department of revenue. Such rules and regulations shall  
18 substantially comply with the requirements of 49 CFR Part 383,  
19 Section 383.75. A certification to conduct third-party testing  
20 shall be valid for one year, and the department shall charge a  
21 fee of one hundred dollars to issue or renew the certification of  
22 any third-party tester.

23 (3) Beginning August 28, 2006, the director shall only  
24 issue or renew third-party tester certification to junior  
25 colleges or community colleges established under chapter 178,  
26 RSMo, or to private companies who own, lease, or maintain their  
27 own fleet and administer in-house testing to their employees, or  
28 to school districts and their agents that administer in-house

1 testing to the school district's or agent's employees. Any  
2 third-party tester who violates any of the rules and regulations  
3 adopted and promulgated pursuant to this section shall be subject  
4 to having his certification revoked by the department. The  
5 department shall provide written notice and an opportunity for  
6 the third-party tester to be heard in substantially the same  
7 manner as provided in chapter 536, RSMo. If any applicant  
8 submits evidence that he has successfully completed a test  
9 administered by a third-party tester, the actual driving test for  
10 a commercial driver's license may then be waived.

11 (4) Every applicant for renewal of a commercial driver's  
12 license shall provide such certifications and information as  
13 required by the secretary and if such person transports a  
14 hazardous material must also meet the requirements of the U.S.  
15 Patriot Act of 2001 (Title X of Public Law 107-56) as specified  
16 and required by regulations promulgated by the secretary. Such  
17 person shall be required to take the written test for such  
18 endorsement. A twenty-five dollar examination fee shall be paid  
19 upon completion of such tests.

20 (5) The director shall have the authority to waive the  
21 driving skills test for any qualified military applicant for a  
22 commercial driver's license who is currently licensed at the time  
23 of application for a commercial driver's license. The director  
24 shall impose conditions and limitations to restrict the  
25 applicants from whom the department may accept alternative  
26 requirements for the skills test described in 49 CFR Part 383,  
27 Section 383.77. An applicant must certify that, during the two-  
28 year period immediately preceding application for a commercial

1 driver's license, all of the following apply:

2 (a) The applicant has not had more than one license;

3 (b) The applicant has not had any license suspended,  
4 revoked, or canceled;

5 (c) The applicant has not had any convictions for any type  
6 of motor vehicle for the disqualifying offenses contained in this  
7 chapter or 49 CFR Part 383, Section 383.51(b);

8 (d) The applicant has not had more than one conviction for  
9 any type of motor vehicle for serious traffic violations;

10 (e) The applicant has not had any conviction for a  
11 violation of state or local law relating to motor vehicle traffic  
12 control, other than a parking violation, arising in connection  
13 with any traffic accident, and has no record of an accident in  
14 which he or she was at fault;

15 (f) The applicant is regularly employed in a job requiring  
16 operation of a commercial motor vehicle, and has at least  
17 operated the vehicle for sixty days during the two years  
18 immediately preceding application for a commercial driver's  
19 license. The vehicle must be representative of the commercial  
20 motor vehicle the driver applicant operates or expects to  
21 operate;

22 (g) The applicant, if on active duty, must provide a  
23 notarized affidavit signed by a commanding officer as proof of  
24 driving experience as indicated in paragraph (f) of this  
25 subsection;

26 (h) The applicant, if honorably discharged from military  
27 service, must provide a Form-DD214 or other proof of military  
28 occupational specialty;

1       (i) The applicant must meet all federal and state  
2       qualifications to operate a commercial vehicle; and

3       (j) The applicant will be required to complete all  
4       applicable knowledge tests.

5           3. A commercial driver's license may not be issued to a  
6       person while the person is disqualified from driving a commercial  
7       motor vehicle, when a disqualification is pending in any state or  
8       while the person's driver's license is suspended, revoked, or  
9       canceled in any state; nor may a commercial driver's license be  
10      issued unless the person first surrenders in a manner prescribed  
11      by the director any commercial driver's license issued by another  
12      state, which license shall be returned to the issuing state for  
13      cancellation.

14          4. Beginning July 1, 2005, the director shall not issue an  
15      instruction permit under this section unless the director  
16      verifies that the applicant is lawfully present in the United  
17      States before accepting the application. The director may, by  
18      rule or regulation, establish procedures to verify the lawful  
19      presence of the applicant under this section. No rule or portion  
20      of a rule promulgated pursuant to the authority of this section  
21      shall become effective unless it has been promulgated pursuant to  
22      chapter 536, RSMo.

23          302.755. 1. A person is disqualified from driving a  
24      commercial motor vehicle for a period of not less than one year  
25      if convicted of a first violation of:

26           (1) Driving a motor vehicle under the influence of alcohol  
27      or a controlled substance;

28           (2) Driving a commercial motor vehicle which causes a

1 fatality through the negligent operation of the commercial motor  
2 vehicle, including but not limited to the crimes of vehicular  
3 manslaughter, homicide by motor vehicle, and negligent homicide;

4 (3) Driving a commercial motor vehicle while revoked  
5 pursuant to section 302.727;

6 (4) Leaving the scene of an accident involving a commercial  
7 or noncommercial motor vehicle operated by the person;

8 (5) Using a commercial or noncommercial motor vehicle in  
9 the commission of any felony, as defined in section 302.700,  
10 except a felony as provided in subsection 4 of this section.

11 2. If any of the violations described in subsection 1 of  
12 this section occur while transporting a hazardous material the  
13 person is disqualified for a period of not less than three years.

14 3. Any person is disqualified from operating a commercial  
15 motor vehicle for life if convicted of two or more violations of  
16 any of the offenses specified in subsection 1 of this section, or  
17 any combination of those offenses, arising from two or more  
18 separate incidents. The director may issue rules and  
19 regulations, in accordance with guidelines established by the  
20 secretary, under which a disqualification for life under this  
21 section may be reduced to a period of not less than ten years.

22 4. Any person is disqualified from driving a commercial  
23 motor vehicle for life who uses a commercial or noncommercial  
24 motor vehicle in the commission of any felony involving the  
25 manufacture, distribution, or dispensing of a controlled  
26 substance, or possession with intent to manufacture, distribute,  
27 or dispense a controlled substance.

28 5. Any person is disqualified from operating a commercial



1 motor vehicle for a period of not less than sixty days if  
2 convicted of two serious traffic violations or one hundred twenty  
3 days if convicted of three serious traffic violations, arising  
4 from separate incidents occurring within a three-year period.

5 6. Any person found to be operating a commercial motor  
6 vehicle while having any measurable alcohol concentration shall  
7 immediately be issued a continuous twenty-four-hour  
8 out-of-service order by a law enforcement officer in this state.

9 7. Any person who is convicted of operating a commercial  
10 motor vehicle beginning at the time of issuance of the  
11 out-of-service order until its expiration is guilty of a class A  
12 misdemeanor.

13 8. Any person convicted for the first time of driving while  
14 out of service shall be disqualified from driving a commercial  
15 motor vehicle [for a period of ninety days] in the manner  
16 prescribed in 49 CFR Part 383, or as amended by the Secretary of  
17 Transportation.

18 9. Any person convicted of driving while out of service on  
19 a second occasion during any ten-year period, involving separate  
20 incidents, shall be disqualified [for a period of one year] in  
21 the manner prescribed in 49 CFR Part 383, or as amended by the  
22 Secretary of Transportation.

23 10. Any person convicted of driving while out of service on  
24 a third or subsequent occasion during any ten-year period,  
25 involving separate incidents, shall be disqualified for a period  
26 of three years.

27 11. Any person convicted of a first violation of an  
28 out-of-service order while transporting hazardous materials or

1 while operating a motor vehicle designed to transport sixteen or  
2 more passengers, including the driver, is disqualified for a  
3 period of one hundred eighty days.

4 12. Any person convicted of any subsequent violation of an  
5 out-of-service order in a separate incident within ten years  
6 after a previous violation, while transporting hazardous  
7 materials or while operating a motor vehicle designed to  
8 transport fifteen passengers, including the driver, is  
9 disqualified for a period of three years.

10 13. Any person convicted of any other offense as specified  
11 by regulations promulgated by the Secretary of Transportation  
12 shall be disqualified in accordance with such regulations.

13 14. After suspending, revoking, canceling or disqualifying  
14 a driver, the director shall update records to reflect such  
15 action and notify a nonresident's licensing authority and the  
16 commercial driver's license information system within ten days in  
17 the manner prescribed in 49 CFR Part 384, or as amended by the  
18 Secretary.

19 15. Any person disqualified from operating a commercial  
20 motor vehicle pursuant to subsection 1, 2, 3 or 4 of this section  
21 shall have such commercial driver's license canceled, and upon  
22 conclusion of the period of disqualification shall take the  
23 written and driving tests and meet all other requirements of  
24 sections 302.700 to 302.780. Such disqualification and  
25 cancellation shall not be withdrawn by the director until such  
26 person reapplies for a commercial driver's license in this or any  
27 other state after meeting all requirements of sections 302.700 to  
28 302.780.

1           16. The director shall disqualify a driver upon receipt of  
2 notification that the Secretary has determined a driver to be an  
3 imminent hazard pursuant to 49 CFR, Part 383.52. Due process of  
4 a disqualification determined by the Secretary pursuant to this  
5 section shall be held in accordance with regulations promulgated  
6 by the Secretary. The period of disqualification determined by  
7 the Secretary pursuant to this section shall be served  
8 concurrently to any other period of disqualification which may be  
9 imposed by the director pursuant to this section. Both  
10 disqualifications shall appear on the driving record of the  
11 driver.

12           17. The director shall disqualify a commercial license  
13 holder or operator of a commercial vehicle from operation of any  
14 commercial motor vehicle upon receipt of a conviction for an  
15 offense of failure to appear or pay, and such disqualification  
16 shall remain in effect until the director receives notice that  
17 the person has complied with the requirement to appear or pay.

18           302.775. The provisions of sections 302.700 to 302.780  
19 shall not apply to:

20           (1) Any person driving a farm vehicle as defined in section  
21 302.700;

22           (2) Any active duty military personnel, members of the  
23 reserves and national guard on active duty, including personnel  
24 on full-time national guard duty, personnel on part-time training  
25 and national guard military technicians, while driving [military]  
26 vehicles for military purposes;

27           (3) Any person who drives emergency or fire equipment  
28 necessary to the preservation of life or property or the

1 execution of emergency governmental functions under emergency  
2 conditions;

3 (4) Any person qualified to operate the equipment under  
4 subdivision (3) of this section when operating such equipment in  
5 other functions such as parades, special events, repair, service  
6 or other authorized movements;

7 (5) Any person driving or pulling a recreational vehicle,  
8 as defined in sections 301.010 and 700.010, RSMo, for personal  
9 use; and

10 (6) Any other class of persons exempted by rule or  
11 regulation of the director, which rule or regulation is in  
12 compliance with the Commercial Motor Vehicle Safety Act of 1986  
13 and any amendments or regulations drafted to that act.

14 303.415. [1. Sections 303.400 and 303.403 shall become  
15 effective on July 1, 2002, and shall expire on June 30, 2007.

16 2. The enactment of section 303.025, and the repeal and  
17 reenactment of sections 303.406, 303.409, 303.412 and 303.415  
18 shall become effective July 1, 2002 and sections 303.406, 303.409  
19 and 303.412 shall expire on June 30, 2007] Sections 303.400 to  
20 303.415 shall expire on June 30, 2012.

21 304.015. 1. All vehicles not in motion shall be placed  
22 with their right side as near the right-hand side of the highway  
23 as practicable, except on streets of municipalities where  
24 vehicles are obliged to move in one direction only or parking of  
25 motor vehicles is regulated by ordinance.

26 2. Upon all public roads or highways of sufficient width a  
27 vehicle shall be driven upon the right half of the roadway,  
28 except as follows:

1           (1) When overtaking and passing another vehicle proceeding  
2 in the same direction pursuant to the rules governing such  
3 movement;

4           (2) When placing a vehicle in position for and when such  
5 vehicle is lawfully making a left turn in compliance with the  
6 provisions of sections 304.014 to 304.026 or traffic regulations  
7 thereunder or of municipalities;

8           (3) When the right half of a roadway is closed to traffic  
9 while under construction or repair;

10          (4) Upon a roadway designated by local ordinance as a  
11 one-way street and marked or signed for one-way traffic.

12          3. It is unlawful to drive any vehicle upon any highway or  
13 road which has been divided into two or more roadways by means of  
14 a physical barrier or by means of a dividing section or  
15 delineated by curbs, lines or other markings on the roadway,  
16 except to the right of such barrier or dividing section, or to  
17 make any left turn or semicircular or U-turn on any such divided  
18 highway, except at an intersection or interchange or at any  
19 signed location designated by the state highways and  
20 transportation commission or the department of transportation.  
21 The provisions of this subsection shall not apply to emergency  
22 vehicles, law enforcement vehicles or to vehicles owned by the  
23 commission or the department.

24          4. The authorities in charge of any highway or the state  
25 highway patrol may erect signs temporarily designating lanes to  
26 be used by traffic moving in a particular direction, regardless  
27 of the center line of the highway, and all members of the  
28 Missouri highway patrol and other peace officers may direct

1 traffic in conformance with such signs. When authorized signs  
2 have been erected designating off-center traffic lanes, no person  
3 shall disobey the instructions given by such signs.

4 5. Whenever any roadway has been divided into three or more  
5 clearly marked lanes for traffic, the following rules in addition  
6 to all others consistent herewith shall apply:

7 (1) A vehicle shall be driven as nearly as practicable  
8 entirely within a single lane and shall not be moved from such  
9 lane until the driver has first ascertained that such movement  
10 can be made with safety;

11 (2) Upon a roadway which is divided into three lanes a  
12 vehicle shall not be driven in the center lane, except when  
13 overtaking and passing another vehicle where the roadway ahead is  
14 clearly visible and such center lane is clear of traffic within a  
15 safe distance, or in preparation for a left turn or where such  
16 center lane is at the time allocated exclusively to traffic  
17 moving in the direction the vehicle is proceeding and is  
18 sign-posted to give notice of such allocation;

19 (3) Upon all highways any vehicle proceeding at less than  
20 the normal speed of traffic thereon shall be driven in the  
21 right-hand lane for traffic or as close as practicable to the  
22 right-hand edge or curb, except as otherwise provided in sections  
23 304.014 to 304.026;

24 (4) Official signs may be erected by the highways and  
25 transportation commission or the highway patrol may place  
26 temporary signs directing slow-moving traffic to use a  
27 designated lane or allocating specified lanes to traffic moving  
28 in the same direction and drivers of vehicles shall obey the

1 directions of every such sign;

2 (5) Drivers of vehicles proceeding in opposite directions  
3 shall pass each other to the right, and except when a roadway has  
4 been divided into traffic lanes, each driver shall give to the  
5 other at least one-half of the main traveled portion of the  
6 roadway whenever possible.

7 6. All vehicles in motion upon a highway having two or more  
8 lanes of traffic proceeding in the same direction shall be driven  
9 in the right-hand lane except when overtaking and passing another  
10 vehicle or when preparing to make a proper left turn or when  
11 otherwise directed by traffic markings, signs or signals.

12 7. As of January 1, 2008, all trucks registered for a gross  
13 weight of more than twenty-four thousand pounds, shall not be  
14 driven in the far left lane upon an interstate highway having at  
15 least three lanes proceeding in the same direction, within three  
16 miles of where an interstate highway and three-digit Missouri  
17 route intersects with an average daily traffic count of at least  
18 one hundred thirty thousand vehicles at such point, in any county  
19 with a population of more than one hundred eighty thousand  
20 inhabitants that adjoins a county with a charter form of  
21 government with a population of more than nine hundred thousand  
22 inhabitants. The Missouri department of transportation shall  
23 design, manufacture, and install any informational and  
24 directional signs at the appropriate locations. Such restriction  
25 shall not apply when:

26 (1) It is reasonably necessary for the operation of the  
27 truck to respond to emergency conditions; or

28 (2) The right or a center lane of a roadway is closed to

1 traffic while under construction, maintenance, or repair.

2 As used in this subsection, the word "truck" means any vehicle,  
3 machine, tractor trailer, or semitrailer, or any combination  
4 thereof, propelled or drawn by mechanical power and designed for  
5 or used in the transportation of property upon the highways.

6 8. Violation of this section shall be deemed an infraction  
7 unless such violation causes an immediate threat of an accident,  
8 in which case such violation shall be deemed a class C  
9 misdemeanor, or unless an accident results from such violation,  
10 in which case such violation shall be deemed a class A  
11 misdemeanor.

12 304.022. 1. Upon the immediate approach of an emergency  
13 vehicle giving audible signal by siren or while having at least  
14 one lighted lamp exhibiting red light visible under normal  
15 atmospheric conditions from a distance of five hundred feet to  
16 the front of such vehicle or a flashing blue light authorized by  
17 section 307.175, RSMo, the driver of every other vehicle shall  
18 yield the right-of-way and shall immediately drive to a position  
19 parallel to, and as far as possible to the right of, the traveled  
20 portion of the highway and thereupon stop and remain in such  
21 position until such emergency vehicle has passed, except when  
22 otherwise directed by a police or traffic officer.

23 2. Upon approaching a stationary emergency vehicle  
24 displaying lighted red or red and blue lights, the driver of  
25 every motor vehicle shall:

26 (1) Proceed with caution and yield the right-of-way, if  
27 possible with due regard to safety and traffic conditions, by  
28 making a lane change into a lane not adjacent to that of the



1 stationary vehicle, if on a roadway having at least four lanes  
2 with not less than two lanes proceeding in the same direction as  
3 the approaching vehicle; or

4 (2) Proceed with due caution and reduce the speed of the  
5 vehicle, maintaining a safe speed for road conditions, if  
6 changing lanes would be unsafe or impossible.

7 3. The motorman of every streetcar shall immediately stop  
8 such car clear of any intersection and keep it in such position  
9 until the emergency vehicle has passed, except as otherwise  
10 directed by a police or traffic officer.

11 4. An "emergency vehicle" is a vehicle of any of the  
12 following types:

13 (1) A vehicle operated by the state highway patrol, the  
14 state water patrol, the Missouri capitol police, a conservation  
15 agent, or a state park ranger, those vehicles operated by  
16 enforcement personnel of the state highways and transportation  
17 commission, police or fire department, sheriff, constable or  
18 deputy sheriff, federal law enforcement officer authorized to  
19 carry firearms and to make arrests for violations of the laws of  
20 the United States, traffic officer or coroner or by a privately  
21 owned emergency vehicle company;

22 (2) A vehicle operated as an ambulance or operated  
23 commercially for the purpose of transporting emergency medical  
24 supplies or organs;

25 (3) Any vehicle qualifying as an emergency vehicle pursuant  
26 to section 307.175, RSMo;

27 (4) Any wrecker, or tow truck or a vehicle owned and  
28 operated by a public utility or public service corporation while

1 performing emergency service;

2 (5) Any vehicle transporting equipment designed to  
3 extricate human beings from the wreckage of a motor vehicle;

4 (6) Any vehicle designated to perform emergency functions  
5 for a civil defense or emergency management agency established  
6 pursuant to the provisions of chapter 44, RSMo;

7 (7) Any vehicle operated by an authorized employee of the  
8 department of corrections who, as part of the employee's official  
9 duties, is responding to a riot, disturbance, hostage incident,  
10 escape or other critical situation where there is the threat of  
11 serious physical injury or death, responding to mutual aid call  
12 from another criminal justice agency, or in accompanying an  
13 ambulance which is transporting an offender to a medical  
14 facility;

15 (8) Any vehicle designated to perform hazardous substance  
16 emergency functions established pursuant to the provisions of  
17 sections 260.500 to 260.550, RSMo.

18 5. (1) The driver of any vehicle referred to in subsection  
19 4 of this section shall not sound the siren thereon or have the  
20 front red lights or blue lights on except when such vehicle is  
21 responding to an emergency call or when in pursuit of an actual  
22 or suspected law violator, or when responding to, but not upon  
23 returning from, a fire.

24 (2) The driver of an emergency vehicle may:

25 (a) Park or stand irrespective of the provisions of  
26 sections 304.014 to 304.025;

27 (b) Proceed past a red or stop signal or stop sign, but  
28 only after slowing down as may be necessary for safe operation;

1 (c) Exceed the prima facie speed limit so long as the  
2 driver does not endanger life or property;

3 (d) Disregard regulations governing direction of movement  
4 or turning in specified directions.

5 (3) The exemptions granted to an emergency vehicle pursuant  
6 to subdivision (2) of this subsection shall apply only when the  
7 driver of any such vehicle while in motion sounds audible signal  
8 by bell, siren, or exhaust whistle as may be reasonably  
9 necessary, and when the vehicle is equipped with at least one  
10 lighted lamp displaying a red light or blue light visible under  
11 normal atmospheric conditions from a distance of five hundred  
12 feet to the front of such vehicle.

13 6. No person shall purchase an emergency light as described  
14 in this section without furnishing the seller of such light an  
15 affidavit stating that the light will be used exclusively for  
16 emergency vehicle purposes.

17 7. Violation of this section shall be deemed a class A  
18 misdemeanor.

19 304.032. 1. For purposes of this section, "Utility  
20 vehicle" means any motorized vehicle manufactured and used  
21 exclusively for off-highway use which is sixty-three inches or  
22 less in width, with an unladen dry weight of one thousand nine  
23 hundred pounds or less, traveling on four or six wheels,  
24 excluding all-terrain vehicles, to be used primarily for  
25 agricultural, landscaping, lawn care, or maintenance purposes.

26 2. No person shall operate a utility vehicle, as defined in  
27 this section upon the highways of this state, except as follows:

28 (1) Utility vehicles owned and operated by a governmental

1 entity for official use;

2 (2) Utility vehicles operated for agricultural purposes or  
3 industrial on-premises purposes between the official sunrise and  
4 sunset on the day of operation;

5 (3) Utility vehicles operated by handicapped persons for  
6 short distances occasionally only on the state's secondary roads  
7 when operated between the hours of sunrise and sunset;

8 (4) Governing bodies of cities may issue special permits  
9 for utility vehicles to be used on highways within the city  
10 limits by licensed drivers. Fees of fifteen dollars may be  
11 collected and retained by cities for such permits;

12 (5) Governing bodies of counties may issue special permits  
13 for utility vehicles to be used on county roads within the county  
14 by licensed drivers. Fees of fifteen dollars may be collected  
15 and retained by the counties for such permits.

16 3. No person shall operate a utility vehicle within any  
17 stream or river in this state, except that utility vehicles may  
18 be operated within waterways which flow within the boundaries of  
19 land which a utility vehicle operator owns, or for agricultural  
20 purposes within the boundaries of land which a utility vehicle  
21 operator owns or has permission to be upon, or for the purpose of  
22 fording such stream or river of this state at such road crossings  
23 as are customary or part of the highway system. All law  
24 enforcement officials or peace officers of this state and its  
25 political subdivisions or department of conservation agents or  
26 department of natural resources park rangers shall enforce the  
27 provisions of this subsection within the geographic area of their  
28 jurisdiction.

1       4. A person operating a utility vehicle on a public road  
2 pursuant to an exception covered in this section shall have a  
3 valid operator's or chauffeur's license, except that a  
4 handicapped person operating such vehicle pursuant to subdivision  
5 (3) of subsection 2 of this section, but shall not be required to  
6 have passed an examination for the operation of a motorcycle, and  
7 the vehicle shall be operated at speeds of less than thirty miles  
8 per hour and shall operate such vehicle at the highest degree of  
9 care and shall meet the financial responsibility requirements of  
10 chapter 303, RSMo.

11       5. No persons shall operate a utility vehicle while under  
12 the influence of alcohol or any controlled substance.

13       6. No operator of a utility vehicle shall carry a  
14 passenger, except for agricultural purposes. The provisions of  
15 this subsection shall not apply to any utility vehicle in which  
16 the seat of such vehicle is designed to carry more than one  
17 person.

18       7. Utility vehicles shall be exempt from the titling and  
19 registration provisions of chapter 301, RSMo.

20       8. A violation of this section shall be a class C  
21 misdemeanor.

22       304.070. 1. Any person who violates any of the provisions  
23 of subsections 1, 3, and 6 of section 304.050 is guilty of a  
24 class A misdemeanor. In addition, beginning July 1, 2005, the  
25 court may suspend the driver's license of any person who violates  
26 the provision of subsection 1 of section 304.050. If ordered by  
27 the court, the director shall suspend the driver's license for  
28 **[ninety]** one hundred twenty days for a first offense of

1 subsection 1 of section 304.050, and one hundred [twenty] eighty  
2 days for a second or subsequent offense of subsection 1 of  
3 section 304.050. Any person who violates subsection 1 of section  
4 304.050 where such violation results in the injury of any child  
5 shall be guilty of a class D felony. Any person who violates  
6 subsection 1 of section 304.050 where such violation causes the  
7 death of any child shall be guilty of a class C felony.

8 2. Any appeal of a suspension imposed under subsection 1 of  
9 this section shall be a direct appeal of the court order and  
10 subject to review by the presiding judge of the circuit court or  
11 another judge within the circuit other than the judge who issued  
12 the original order to suspend the driver's license. The director  
13 of revenue's entry of the court-ordered suspension on the driving  
14 record is not a decision subject to review pursuant to section  
15 302.311, RSMo. Any suspension of the driver's license ordered by  
16 the court under this section shall be in addition to any other  
17 suspension that may occur as a result of the conviction pursuant  
18 to other provisions of law.

19 304.170. 1. No vehicle operated upon the highways of this  
20 state shall have a width, including load, in excess of ninety-six  
21 inches, except clearance lights, rearview mirrors or other  
22 accessories required by federal, state or city law or regulation;  
23 except that, vehicles having a width, including load, not in  
24 excess of one hundred two inches, exclusive of clearance lights,  
25 rearview mirrors or other accessories required by law or  
26 regulations, may be operated on the interstate highways and such  
27 other highways as may be designated by the highways and  
28 transportation commission for the operation of such vehicles plus

1 a distance not to exceed ten miles from such interstate or  
2 designated highway. Provided however, a recreational vehicle as  
3 defined in section 700.010, RSMo, may exceed the foregoing width  
4 limits if the appurtenances on such recreational vehicle extend  
5 no further than the rearview mirrors. Such mirrors may only  
6 extend the distance necessary to provide the required field of  
7 view before the appurtenances were attached.

8 2. No vehicle operated upon the interstate highway system  
9 or upon any route designated by the chief engineer of the state  
10 transportation department shall have a height, including load, in  
11 excess of fourteen feet. On all other highways, no vehicle shall  
12 have a height, including load, in excess of thirteen and one-half  
13 feet, except that any vehicle or combination of vehicles  
14 transporting automobiles or other motor vehicles may have a  
15 height, including load, of not more than fourteen feet.

16 3. No single motor vehicle operated upon the highways of  
17 this state shall have a length, including load, in excess of  
18 forty-five feet, except as otherwise provided in this section.

19 4. No bus, recreational motor vehicle or trackless trolley  
20 coach operated upon the highways of this state shall have a  
21 length in excess of forty-five feet, except that such vehicles  
22 may exceed the forty-five feet length when such excess length is  
23 caused by the projection of a front safety bumper or a rear  
24 safety bumper or both. Such safety bumper shall not cause the  
25 length of the bus or recreational motor vehicle to exceed the  
26 forty-five feet length limit by more than one foot in the front  
27 and one foot in the rear. The term "safety bumper" means any  
28 device which may be fitted on an existing bumper or which

1 replaces the bumper and is so constructed, treated, or  
2 manufactured that it absorbs energy upon impact.

3 5. No combination of truck-tractor and semitrailer or  
4 truck-tractor equipped with dromedary and semitrailer operated  
5 upon the highways of this state shall have a length, including  
6 load, in excess of sixty feet; except that in order to comply  
7 with the provisions of Title 23 of the United States Code (Public  
8 Law 97-424), no combination of truck-tractor and semitrailer or  
9 truck-tractor equipped with dromedary and semitrailer operated  
10 upon the interstate highway system of this state shall have an  
11 overall length, including load, in excess of the length of the  
12 truck-tractor plus the semitrailer or truck-tractor equipped with  
13 dromedary and semitrailer. The length of such semitrailer shall  
14 not exceed fifty-three feet.

15 6. In order to comply with the provisions of Title 23 of  
16 the United States Code (Public Law 97-424), no combination of  
17 truck-tractor, semitrailer and trailer operated upon the  
18 interstate highway system of this state shall have an overall  
19 length, including load, in excess of the length of the  
20 truck-tractor plus the semitrailer and trailer, neither of which  
21 semitrailer or trailer shall exceed twenty-eight feet in length,  
22 except that any existing semitrailer or trailer up to  
23 twenty-eight and one-half feet in length actually and lawfully  
24 operated on December 1, 1982, within a sixty-five foot overall  
25 length limit in any state, may continue to be operated upon the  
26 interstate highways of this state. On those primary highways not  
27 designated by the state highways and transportation commission as  
28 provided in subsection 10 of this section, no combination of



1 truck-tractor, semitrailer and trailer shall have an overall  
2 length, including load, in excess of sixty-five feet; provided,  
3 however, the state highways and transportation commission may  
4 designate additional routes for such sixty-five foot  
5 combinations.

6 7. Automobile transporters, boat transporters,  
7 truck-trailer boat transporter combinations, stinger-steered  
8 combination automobile transporters and stinger-steered  
9 combination boat transporters having a length not in excess of  
10 seventy-five feet may be operated on the interstate highways of  
11 this state and such other highways as may be designated by the  
12 highways and transportation commission for the operation of such  
13 vehicles plus a distance not to exceed ten miles from such  
14 interstate or designated highway. All length provisions  
15 regarding automobile or boat transporters, truck-trailer boat  
16 transporter combinations and stinger-steered combinations shall  
17 include a semitrailer length not to exceed fifty-three feet and  
18 are exclusive of front and rear overhang, which shall be no  
19 greater than a three-foot front overhang and no greater than a  
20 four-foot rear overhang.

21 8. Driveaway saddlemount combinations having a length not  
22 in excess of ~~seventy-five~~ ninety-seven feet may be operated on  
23 the interstate highways of this state and such other highways as  
24 may be designated by the highways and transportation commission  
25 for the operation of such vehicles plus a distance not to exceed  
26 ten miles from such interstate or designated highway.  
27 Saddlemount combinations must comply with the safety requirements  
28 of Section 393.71 of Title 49 of the Code of Federal Regulations

1 and may contain no more than three saddlemounted vehicles and one  
2 fullmount.

3 9. No truck-tractor semitrailer-semitrailer combination  
4 vehicles operated upon the interstate and designated primary  
5 highway system of this state shall have a semitrailer length in  
6 excess of twenty-eight feet or twenty-eight and one-half feet if  
7 the semitrailer was in actual and lawful operation in any state  
8 on December 1, 1982, operating in a truck-tractor  
9 semitrailer-semitrailer combination. The B-train assembly is  
10 excluded from the measurement of semitrailer length when used  
11 between the first and second semitrailer of a truck-tractor  
12 semitrailer-semitrailer combination, except that when there is no  
13 semitrailer mounted to the B-train assembly, it shall be included  
14 in the length measurement of the semitrailer.

15 10. The highways and transportation commission is  
16 authorized to designate routes on the state highway system other  
17 than the interstate system over which those combinations of  
18 vehicles of the lengths specified in subsections 5, 6, 7, 8 and 9  
19 of this section may be operated. Combinations of vehicles  
20 operated under the provisions of subsections 5, 6, 7, 8 and 9 of  
21 this section may be operated at a distance not to exceed ten  
22 miles from the interstate system and such routes as designated  
23 under the provisions of this subsection.

24 11. Except as provided in subsections 5, 6, 7, 8, 9 and 10  
25 of this section, no other combination of vehicles operated upon  
26 the primary or interstate highways of this state plus a distance  
27 of ten miles from a primary or interstate highway shall have an  
28 overall length, unladen or with load, in excess of sixty-five

1 feet or in excess of fifty-five feet on any other highway, except  
2 the state highways and transportation commission may designate  
3 additional routes for use by sixty-five foot combinations,  
4 seventy-five foot stinger-steered combinations or seventy-five  
5 foot saddlemount combinations. Any vehicle or combination of  
6 vehicles transporting automobiles, boats or other motor vehicles  
7 may carry a load which extends no more than three feet beyond the  
8 front and four feet beyond the rear of the transporting vehicle  
9 or combination of vehicles.

10 12. (1) Except as hereinafter provided, these restrictions  
11 shall not apply to agricultural implements operating occasionally  
12 on the highways for short distances, or to self-propelled  
13 hay-hauling equipment or to implements of husbandry, or to the  
14 movement of farm products as defined in section 400.9-109, RSMo,  
15 or to vehicles temporarily transporting agricultural implements  
16 or implements of husbandry or roadmaking machinery, or road  
17 materials or towing for repair purposes vehicles that have become  
18 disabled upon the highways; or to implement dealers delivering or  
19 moving farm machinery for repairs on any state highway other than  
20 the interstate system.

21 (2) Implements of husbandry and vehicles transporting such  
22 machinery or equipment and the movement of farm products as  
23 defined in section 400.9.109, RSMo, may be operated occasionally  
24 for short distances on state highways when operated between the  
25 hours of sunrise and sunset by a driver licensed as an operator  
26 or chauffeur.

27 13. As used in this chapter the term "implements of  
28 husbandry" means all self-propelled machinery operated at speeds

1 of less than thirty miles per hour, specifically designed for, or  
2 especially adapted to be capable of, incidental over-the-road and  
3 primary offroad usage and used exclusively for the application of  
4 commercial plant food materials or agricultural chemicals, and  
5 not specifically designed or intended for transportation of such  
6 chemicals and materials.

7 14. The purpose of this section is to permit a single trip  
8 per day by the implement of husbandry from the source of supply  
9 to a given farm.

10 15. Sludge disposal units may be operated on all state  
11 highways other than the interstate system. Such units shall not  
12 exceed one hundred thirty-eight inches in width and may be  
13 equipped with over-width tires. Such units shall observe all  
14 axle weight limits. The chief engineer of the state  
15 transportation department shall issue special permits for the  
16 movement of such disposal units and may by such permits restrict  
17 the movements to specified routes, days and hours.

18 304.180. 1. No vehicle or combination of vehicles shall be  
19 moved or operated on any highway in this state having a greater  
20 weight than twenty thousand pounds on one axle, no combination of  
21 vehicles operated by transporters of general freight over regular  
22 routes as defined in section 390.020, RSMo, shall be moved or  
23 operated on any highway of this state having a greater weight  
24 than the vehicle manufacturer's rating on a steering axle with  
25 the maximum weight not to exceed twelve thousand pounds on a  
26 steering axle, and no vehicle shall be moved or operated on any  
27 state highway of this state having a greater weight than  
28 thirty-four thousand pounds on any tandem axle; the term "tandem

axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet

between the extremes

of any group of two or

more consecutive axles,

measured to the nearest

foot, except where

indicated otherwise

Maximum load in pounds

feet	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			
More than 8	38,000	42,000			
9	39,000	42,500			

1	10	40,000	43,500			
2	11	40,000	44,000			
3	12	40,000	45,000	50,000		
4	13	40,000	45,500	50,500		
5	14	40,000	46,500	51,500		
6	15	40,000	47,000	52,000		
7	16	40,000	48,000	52,500	58,000	
8	17	40,000	48,500	53,500	58,500	
9	18	40,000	49,500	54,000	59,000	
10	19	40,000	50,000	54,500	60,000	
11	20	40,000	51,000	55,500	60,500	66,000
12	21	40,000	51,500	56,000	61,000	66,500
13	22	40,000	52,500	56,500	61,500	67,000
14	23	40,000	53,000	57,500	62,500	68,000
15	24	40,000	54,000	58,000	63,000	68,500
16	25	40,000	54,500	58,500	63,500	69,000
17	26	40,000	55,500	59,500	64,000	69,500
18	27	40,000	56,000	60,000	65,000	70,000
19	28	40,000	57,000	60,500	65,500	71,000
20	29	40,000	57,500	61,500	66,000	71,500
21	30	40,000	58,500	62,000	66,500	72,000
22	31	40,000	59,000	62,500	67,500	72,500
23	32	40,000	60,000	63,500	68,000	73,000
24	33	40,000	60,000	64,000	68,500	74,000
25	34	40,000	60,000	64,500	69,000	74,500
26	35	40,000	60,000	65,500	70,000	75,000
27	36		60,000	66,000	70,500	75,500
28	37		60,000	66,500	71,000	76,000

1	38	60,000	67,500	72,000	77,000
2	39	60,000	68,000	72,500	77,500
3	40	60,000	68,500	73,000	78,000
4	41	60,000	69,500	73,500	78,500
5	42	60,000	70,000	74,000	79,000
6	43	60,000	70,500	75,000	80,000
7	44	60,000	71,500	75,500	80,000
8	45	60,000	72,000	76,000	80,000
9	46	60,000	72,500	76,500	80,000
10	47	60,000	73,500	77,500	80,000
11	48	60,000	74,000	78,000	80,000
12	49	60,000	74,500	78,500	80,000
13	50	60,000	75,500	79,000	80,000
14	51	60,000	76,000	80,000	80,000
15	52	60,000	76,500	80,000	80,000
16	53	60,000	77,500	80,000	80,000
17	54	60,000	78,000	80,000	80,000
18	55	60,000	78,500	80,000	80,000
19	56	60,000	79,500	80,000	80,000
20	57	60,000	80,000	80,000	80,000

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger

1 the bridge, or the users of the bridge, the commission may  
2 establish maximum weight limits and speed limits for vehicles  
3 using such bridge. The governing body of any city or county may  
4 grant authority by act or ordinance to the state highways and  
5 transportation commission to enact the limitations established in  
6 this section on those roadways within the purview of such city or  
7 county. Notice of the weight limits and speed limits established  
8 by the commission shall be given by posting signs at a  
9 conspicuous place at each end of any such bridge.

10 5. Nothing in this section shall be construed as permitting  
11 lawful axle loads, tandem axle loads or gross loads in excess of  
12 those permitted under the provisions of Section 127 of Title 23  
13 of the United States Code.

14 6. Notwithstanding the weight limitations contained in this  
15 section, any vehicle or combination of vehicles operating on  
16 highways other than the interstate highway system may exceed  
17 single axle, tandem axle and gross weight limitations in an  
18 amount not to exceed two thousand pounds. However, total gross  
19 weight shall not exceed eighty thousand pounds.

20 7. Notwithstanding any provision of this section to the  
21 contrary, the department of transportation shall issue a  
22 single-use special permit, or upon request of the owner of the  
23 truck or equipment, shall issue an annual permit, for the  
24 transporting of any concrete pump truck or well-drillers'  
25 equipment. The department of transportation shall set fees for  
26 the issuance of permits pursuant to this subsection.  
27 Notwithstanding the provisions of section 301.133, RSMo, concrete  
28 pump trucks or well-drillers' equipment may be operated on



1 state-maintained roads and highways at any time on any day.

2 8. Notwithstanding the provision of this section to the  
3 contrary, the maximum gross vehicle limit and axle weight limit  
4 for any vehicle or combination of vehicles equipped with an idle  
5 reduction technology may be increased by a quantity necessary to  
6 compensate for the additional weight of the idle reduction system  
7 as provided for in 23 U.S.C. Section 127, as amended. In no case  
8 shall the additional weight increase allowed by this subsection  
9 be greater than four hundred pounds. Upon request by an  
10 appropriate law enforcement officer, the vehicle operator shall  
11 provide proof that the idle reduction technology is fully  
12 functional at all times and that the gross weight increase is not  
13 used for any purpose other than for the use of idle reduction  
14 technology.

15 304.230. 1. It shall be the duty of the sheriff of each  
16 county or city to see that the provisions of sections 304.170 to  
17 304.230 are enforced, and any peace officer or police officer of  
18 any county or city or any highway patrol officer shall have the  
19 power to arrest on sight or upon a warrant any person found  
20 violating or having violated the provisions of such sections.  
21 Beginning January 1, 2008, only law enforcement officers that  
22 have been certified by the Missouri state highway patrol under  
23 section 304.232, members of the Missouri state highway patrol or  
24 commercial vehicle enforcement officers appointed under  
25 subsection 4 of this section shall have the authority to conduct  
26 random roadside examinations or inspections to determine  
27 compliance with sections 304.170 to 304.230, and only such  
28 officers shall have the authority, with or without probable cause

1 to believe that the size or weight is in excess of that permitted  
2 by sections 304.170 to 304.230, to require the driver, operator,  
3 owner, lessee, or bailee, to stop, drive, or otherwise move to a  
4 location to determine compliance with sections 304.170 to  
5 304.230. Notwithstanding the provisions of this subsection, a  
6 law enforcement officer not certified under section 304.232, may  
7 stop a vehicle that has a visible external safety defect relating  
8 to the enforcement of the provisions of sections 304.170 to  
9 304.230 that could cause immediate harm to the traveling public.  
10 In the course of a stop, the law enforcement officer shall  
11 identify to the driver the defect that caused the stop. If the  
12 vehicle passes a comprehensive roadside inspection, the law  
13 enforcement officer, state highway patrolman, or other authorized  
14 person may issue the operator, driver, owner, lessee, or bailee  
15 of such vehicle a Commercial Vehicle Safety Alliance inspection  
16 decal to be affixed to the vehicle in a manner prescribed by the  
17 superintendent. Once issued, the Commercial Vehicle Safety  
18 Alliance decal shall be valid for a period not to exceed three  
19 consecutive months and shall exempt such vehicle from further  
20 inspection during such period. However, nothing shall exempt the  
21 operator from subjecting such vehicle to an examination or  
22 inspection if the vehicle has a visible external safety defect  
23 relating to the enforcement of sections 304.170 to 304.230, or  
24 the law enforcement officer stopping such vehicle has probable  
25 cause to believe that the size or weight of the vehicle is in  
26 excess of that permitted by sections 304.170 to 304.230. The  
27 superintendent of the Missouri state highway patrol shall  
28 promulgate rules and regulations relating to the issuance,

1 display, and use of the Commercial Vehicle Safety Alliance decal.  
2 Any rule or portion of a rule, as that term is defined in section  
3 536.010, RSMo, that is created under the authority delegated in  
4 this section shall become effective only if it complies with and  
5 is subject to all of the provisions of chapter 536, RSMo, and, if  
6 applicable, section 536.028, RSMo. This section and chapter 536,  
7 RSMo, are nonseverable and if any of the powers vested with the  
8 general assembly pursuant to chapter 536, RSMo, to review, to  
9 delay the effective date, or to disapprove and annul a rule are  
10 subsequently held unconstitutional, then the grant of rulemaking  
11 authority and any rule proposed or adopted after August 28, 2007,  
12 shall be invalid and void.

13       2. [The sheriff or] Any peace officer certified under  
14 section 304.232 or any highway patrol officer is hereby given the  
15 power to stop any such conveyance or vehicle as above described  
16 upon the public highway for the purpose of determining whether  
17 such vehicle is loaded in excess of the provisions of sections  
18 304.170 to 304.230, and if he or she finds such vehicle loaded in  
19 violation of the provisions thereof he or she shall have a right  
20 at that time and place to cause the excess load to be removed  
21 from such vehicle; and provided further, that any regularly  
22 employed maintenance man of the department of transportation  
23 shall have the right and authority in any part of this state to  
24 stop any such conveyance or vehicle upon the public highway for  
25 the purpose of determining whether such vehicle is loaded in  
26 excess of the provisions of sections 304.170 to 304.230, and if  
27 he or she finds such vehicle loaded in violation of the  
28 provisions thereof, he or she shall have the right at that time

1 and place to cause the excess load to be removed from such  
2 vehicle. When only an axle or a tandem axle group of a vehicle  
3 is overloaded, the operator shall be permitted to shift the load,  
4 if this will not overload some other axle or axles, without being  
5 charged with a violation; provided, however, the privilege of  
6 shifting the weight without being charged with a violation shall  
7 not extend to or include vehicles while traveling on the federal  
8 interstate system of highways. When only an axle or tandem axle  
9 group of the vehicle traveling on the federal interstate system  
10 of highways is overloaded and a court authorized to enforce the  
11 provisions of sections 304.170 to 304.230 finds that the  
12 overloading was due to the inadvertent shifting of the load  
13 changing axle weights in transit through no fault of the operator  
14 of the vehicle and that the load thereafter had been shifted so  
15 that no axle had been overloaded, then the court may find that no  
16 violation has been committed. The operator of any vehicle shall  
17 be permitted to back up and reweigh, or to turn around and weigh  
18 from the opposite direction. Any operator whose vehicle is  
19 weighed and found to be within five percent of any legal limit  
20 may request and receive a weight ticket, memorandum or statement  
21 showing the weight or weights on each axle or any combinations of  
22 axles. Once a vehicle is found to be within the limits of  
23 section 304.180 after having been weighed on any state scale and  
24 there is no evidence that any cargo or fuel has been added, no  
25 violation shall occur, but a presumption shall exist that cargo  
26 or fuel has been added if upon reweighing on another state scale  
27 the total gross weight exceeds the applicable limits of section  
28 304.180 or 304.190. The highways and transportation commission

1 of this state may deputize and appoint any number of their  
2 regularly employed maintenance men to enforce the provisions of  
3 such sections, and the maintenance men delegated and appointed in  
4 this section shall report to the proper officers any violations  
5 of sections 304.170 to 304.230 for prosecution by such proper  
6 officers.

7 3. The superintendent of the Missouri state highway patrol  
8 may assign qualified persons who are not highway patrol officers  
9 to supervise or operate permanent or portable weigh stations used  
10 in the enforcement of commercial vehicle laws. These persons  
11 shall be designated as commercial vehicle inspectors and have  
12 limited police powers:

13 (1) To issue uniform traffic tickets at a permanent or  
14 portable weigh station for violations of rules and regulations of  
15 the division of motor carrier and railroad safety of the  
16 department of economic development and department of public  
17 safety, and laws, rules, and regulations pertaining to commercial  
18 motor vehicles and trailers and related to size, weight, fuel  
19 tax, registration, equipment, driver requirements, transportation  
20 of hazardous materials and operators' or chauffeurs' licenses,  
21 and the provisions of sections 303.024 and 303.025, RSMo;

22 (2) To require the operator of any commercial vehicle to  
23 stop and submit to a vehicle and driver inspection to determine  
24 compliance with commercial vehicle laws, rules, and regulations,  
25 the provisions of sections 303.024 and 303.025, RSMo, and to  
26 submit to a cargo inspection when reasonable grounds exist to  
27 cause belief that a vehicle is transporting hazardous materials  
28 as defined by Title 49 of the Code of Federal Regulations;

1           (3) To make arrests for violation of subdivisions (1) and  
2           (2) of this subsection. Commercial vehicle inspectors shall not  
3           have the authority to exercise the powers granted in subdivisions  
4           (1), (2) and (3) of this subsection until they have successfully  
5           completed training approved by the superintendent of the Missouri  
6           state highway patrol; nor shall they have the right as peace  
7           officers to bear arms.

8           4. The superintendent of the Missouri state highway patrol  
9           may appoint qualified persons, who are not members of the highway  
10          patrol, designated as commercial vehicle enforcement officers,  
11          with the powers:

12          (1) To issue uniform traffic tickets for violations of  
13          laws, rules and regulations pertaining to commercial vehicles,  
14          trailers, special mobile equipment and drivers of such vehicles,  
15          and the provisions of sections 303.024 and 303.025, RSMo;

16          (2) To require the operator of any commercial vehicle to  
17          stop and submit to a vehicle and driver inspection to determine  
18          compliance with commercial vehicle laws, rules, and regulations,  
19          compliance with the provisions of sections 303.024 and 303.025,  
20          RSMo, and to submit to a cargo inspection when reasonable grounds  
21          exist to cause belief that a vehicle is transporting hazardous  
22          materials as defined by Title 49 of the Code of Federal  
23          Regulations;

24          (3) To make arrests upon warrants and for violations of  
25          subdivisions (1) and (2) of this subsection. Commercial vehicle  
26          enforcement officers shall not have the authority to exercise the  
27          powers granted in subdivisions (1), (2) and (3) of this  
28          subsection until they have successfully completed training

1 approved by the superintendent of the Missouri state highway  
2 patrol. Commercial vehicle enforcement officers shall have the  
3 right as peace officers to bear arms.

4 5. Any additional employees needed for the implementation  
5 of this section shall be hired in conformity with the provisions  
6 of the federal fair employment and antidiscrimination acts.

7 6. Any part of this section which shall be construed to be  
8 in conflict with the axle or tandem axle load limits permitted by  
9 the Federal-Aid Highway Act, Section 127 of Title 23 of the  
10 United States Code (Public Law 85-767, 85th Congress) shall be  
11 null, void and of no effect.

12 304.232. 1. The Missouri state highway patrol shall  
13 establish procedures for the certification of municipal police  
14 officers, sheriffs, deputy sheriffs, and other law enforcement  
15 officials that enforce sections 304.170 to 304.230.

16 2. The certification procedures established by the Missouri  
17 state highway patrol shall include, but not be limited to:

18 (1) Initial and maintenance of certification, to include:

19 (a) Training;

20 (b) Recurring training, to be conducted minimally on an  
21 annual basis;

22 (c) Testing; and

23 (d) On-the-job experience under the supervision of a  
24 certified law enforcement official or field training officer;

25 (2) Delineation of roles and responsibilities within the  
26 specific agency, as well as the coordination with the Missouri  
27 state highway patrol;

28 (3) Data collection and maintenance and upload to state

1 information systems;

2 (4) Computer hardware, software, and communications systems  
3 shall be compatible with those of the Missouri state highway  
4 patrol;

5 (5) Prescribed use of forms and other official documents  
6 related to the certification;

7 (6) Fine and sanction structure that is similar to that of  
8 the Missouri state highway patrol; and

9 (7) Disposition of moneys generated by fines.

10 3. The certification procedures shall meet the requirements  
11 of the memorandum of understanding between the state of Missouri  
12 and the Commercial Vehicle Safety Alliance or any successor  
13 organization.

14 4. The commercial motor vehicle safety enforcement and  
15 inspection activities of all law enforcement officials of a  
16 political subdivision of the state of Missouri shall conform to  
17 the memorandum of understanding between the state of Missouri and  
18 the Commercial Vehicle Safety Alliance, as appropriate.

19 5. Commercial motor vehicle safety data collection,  
20 management, and distribution by law enforcement officials of a  
21 political subdivision as described in subsection 11 of this  
22 section shall support the information systems of the Missouri  
23 state highway patrol.

24 6. The Missouri state highway patrol shall establish  
25 reasonable fees sufficient to recover from a political  
26 subdivision as described in subsection 11 of this section the  
27 cost of training, recurring training, data collection and  
28 management, certifying, and additional administrative functions



1 for law enforcement officials certified under this section. The  
2 Missouri state highway patrol may apply for any applicable  
3 reimbursement or incentive funds that may be available under the  
4 motor carrier safety assistance program to fund the certification  
5 training program outlined in this section.

6 7. The agencies for which law enforcement officials  
7 certified under this section work for shall, to the extent  
8 practicable, adhere to the same Motor Carrier Safety Assistance  
9 Program requirements under 49 Code of Federal Regulations Part  
10 350 of the Federal Motor Carrier Safety Regulations.

11 8. The agencies for which law enforcement officials  
12 certified under this section work for shall be subject to  
13 periodic program reviews and, at the discretion of the Missouri  
14 state highway patrol, be required to submit a commercial vehicle  
15 safety plan that is consistent with and incorporated into the  
16 statewide enforcement plan.

17 9. Beginning January 1, 2008, no local law enforcement  
18 officer may conduct a random commercial motor vehicle roadside  
19 inspection to determine compliance with the provisions of  
20 sections 304.170 to 304.230 unless the law enforcement officer  
21 has satisfactorily completed, as a part of his or her training,  
22 the basic course of instruction developed by the Commercial  
23 Vehicle Safety Alliance and has been certified by the Missouri  
24 state highway patrol under this section. Law enforcement  
25 officers authorized to enforce the provisions of sections 304.170  
26 to 304.230 shall annually receive in-service training related to  
27 commercial motor vehicle operations, including but not limited to  
28 training in current federal motor carrier safety regulations,

1 safety inspection procedures, and out-of-service criteria. The  
2 annual training requirements shall be designated and specified by  
3 the superintendent of the highway patrol.

4 10. The superintendent of the state highway patrol shall  
5 promulgate rules and regulations necessary to administer the  
6 certification procedures and any other provisions of this  
7 section. Any rule or portion of a rule, as that term is defined  
8 in section 536.010, RSMo, that is created under the authority  
9 delegated in this section shall become effective only if it  
10 complies with and is subject to all of the provisions of chapter  
11 536, RSMo, and, if applicable, section 536.028, RSMo. This  
12 section and chapter 536, RSMo, are nonseverable and if any of the  
13 powers vested with the general assembly pursuant to chapter 536,  
14 RSMo, to review, to delay the effective date, or to disapprove  
15 and annul a rule are subsequently held unconstitutional, then the  
16 grant of rulemaking authority and any rule proposed or adopted  
17 after August 28, 2007, shall be invalid and void.

18 304.281. 1. Whenever traffic is controlled by traffic  
19 control signals exhibiting different colored lights, or colored  
20 lighted arrows, successively one at a time or in combination,  
21 only the colors green, red and yellow shall be used, except for  
22 special pedestrian signals carrying a word legend, and said  
23 lights shall indicate and apply to drivers of vehicles and  
24 pedestrians as follows:

25 (1) Green indication

26 (a) Vehicular traffic facing a circular green signal may  
27 proceed straight through or turn right or left unless a sign at  
28 such place prohibits either such turn. But vehicular traffic,

1 including vehicles turning right or left, shall yield the  
2 right-of-way to other vehicles and to pedestrians lawfully within  
3 the intersection or an adjacent crosswalk at the time such signal  
4 is exhibited;

5 (b) Vehicular traffic facing a green arrow signal, shown  
6 alone or in combination with another indication, may cautiously  
7 enter the intersection only to make the movement indicated by  
8 such arrow, or such other movement as is permitted by other  
9 indications shown at the same time. Such vehicular traffic shall  
10 yield the right-of-way to pedestrians lawfully within an adjacent  
11 crosswalk and to other traffic lawfully using the intersection;

12 (c) Unless otherwise directed by a pedestrian control  
13 signal, as provided in section 304.291, pedestrians facing any  
14 green signal, except when the sole green signal is a turn arrow,  
15 may proceed across the roadway within any marked or unmarked  
16 crosswalk.

17 (2) Steady yellow indication

18 (a) Vehicular traffic facing a steady yellow signal is  
19 thereby warned that the related green movement is being  
20 terminated or that a red indication will be exhibited immediately  
21 thereafter when vehicular traffic shall not enter the  
22 intersection;

23 (b) Pedestrians facing a steady yellow signal, unless  
24 otherwise directed by a pedestrian control signal as provided in  
25 section 304.291, are thereby advised that there is insufficient  
26 time to cross the roadway before a red indication is shown and no  
27 pedestrian shall then start to cross the roadway.

28 (3) Steady red indication

1           (a) Vehicular traffic facing a steady red signal alone  
2 shall stop before entering the crosswalk on the near side of the  
3 intersection at a clearly marked stop line but, if none, then  
4 before entering the intersection and shall remain standing until  
5 an indication to proceed is shown except as provided in paragraph  
6 (b);

7           (b) The driver of a vehicle which is stopped as close as  
8 practicable at the entrance to the crosswalk on the near side of  
9 the intersection or, if none, then at the entrance to the  
10 intersection in obedience to a red signal, may cautiously enter  
11 the intersection to make a right turn but shall yield the  
12 right-of-way to pedestrians and other traffic proceeding as  
13 directed by the signal at the intersection, except that the state  
14 highways and transportation commission with reference to an  
15 intersection involving a state highway, and local authorities  
16 with reference to an intersection involving other highways under  
17 their jurisdiction, may prohibit any such right turn against a  
18 red signal at any intersection where safety conditions so  
19 require, said prohibition shall be effective when a sign is  
20 erected at such intersection giving notice thereof;

21           (c) Unless otherwise directed by a pedestrian control  
22 signal as provided in section 304.291, pedestrians facing a  
23 steady red signal alone shall not enter the roadway.

24           (4) In the event an official traffic control signal is  
25 erected and maintained at a place other than an intersection, the  
26 provision of this section shall be applicable except as to those  
27 provisions which by their nature can have no application. Any  
28 stop required shall be made at a sign or marking on the pavement

1 indicating where the stop shall be made, but in the absence of  
2 any such sign or marking the stop shall be made at the signal.

3 2. Notwithstanding the provisions of section 304.361,  
4 violation of this section is a class C misdemeanor.

5 3. A person operating a motorcycle who violates this  
6 section or section 304.301 by entering or crossing an  
7 intersection controlled by a traffic control signal against a red  
8 light shall have an affirmative defense to that charge if the  
9 person establishes all of the following conditions:

10 (1) The motorcycle has been brought to a complete stop;

11 (2) The traffic control signal continues to show a red  
12 light for an unreasonable time;

13 (3) The traffic control is apparently malfunctioning or, if  
14 programmed or engineered to change to a green light only after  
15 detecting the approach of a motor vehicle, the signal has  
16 apparently failed to detect the arrival of the motorcycle; and

17 (4) No motor vehicle or person is approaching on the street  
18 or highway to be crossed or entered or is so far away from the  
19 intersection that it does not constitute an immediate hazard.

20 The affirmative defense of this section applies only to a  
21 violation for entering or crossing an intersection controlled by  
22 a traffic control signal against a red light and does not provide  
23 a defense to any other civil or criminal action.

24 307.010. 1. All motor vehicles, and every trailer and  
25 semitrailer operating upon the public highways of this state and  
26 carrying goods or material or farm products which may reasonably  
27 be expected to become dislodged and fall from the vehicle,  
28 trailer or semitrailer as a result of wind pressure or air

1 pressure and/or by the movement of the vehicle, trailer or  
2 semitrailer shall have a protective cover or be sufficiently  
3 secured so that no portion of such goods or material can become  
4 dislodged and fall from the vehicle, trailer or semitrailer while  
5 being transported or carried.

6 2. Operation of a motor vehicle, trailer or semitrailer in  
7 violation of this section shall be [a class C misdemeanor] an  
8 infraction, and any person [convicted] who pleads or is found  
9 guilty thereof shall be punished as provided by law.

10 307.015. 1. Trucks, semitrailers, and trailers, except  
11 utility trailers, without rear fenders, attached to a commercial  
12 motor vehicle registered for over twenty-four thousand pounds  
13 shall be equipped with mud flaps for the rear wheels when  
14 operated on the public highways of this state. If mud flaps are  
15 used, they shall be wide enough to cover the full tread width of  
16 the tire or tires being protected; shall be so installed that  
17 they extend from the underside of the vehicle body in a vertical  
18 plane behind the rear wheels to within eight inches of the  
19 ground; and shall be constructed of a rigid material or a  
20 flexible material which is of a sufficiently rigid character to  
21 provide adequate protection when the vehicle is in motion. No  
22 provisions of this section shall apply to a motor vehicle in  
23 transit and in process of delivery equipped with temporary mud  
24 flaps, to farm implements, or to any vehicle which is not  
25 required to be registered.

26 2. Any person who violates this section is guilty of [a  
27 class B misdemeanor] an infraction and, upon [conviction] plea or  
28 finding of guilt, shall be punished as provided by law.

1           307.090. 1. Any motor vehicle may be equipped with not to  
2 exceed one spotlight but every lighted spotlight shall be so aimed  
3 and used so as not to be dazzling or glaring to any person.

4           2. Notwithstanding the provisions of section 307.120,  
5 violation of this section is [a class C misdemeanor] an  
6 infraction.

7           307.100. 1. Any lighted lamp or illuminating device upon a  
8 motor vehicle other than headlamps, spotlamps, front direction  
9 signals or auxiliary lamps which projects a beam of light of an  
10 intensity greater than three hundred candlepower shall be so  
11 directed that no part of the beam will strike the level of the  
12 roadway on which the vehicle stands at a distance of more than  
13 seventy-five feet from the vehicle. Alternately flashing warning  
14 signals may be used on school buses when used for school purposes  
15 and on motor vehicles when used to transport United States mail  
16 from post offices to boxes of addressees thereof and on emergency  
17 vehicles as defined in section 304.022, RSMo, on buses owned or  
18 operated by churches, mosques, synagogues, temples or other  
19 houses of worship, and on commercial passenger transport vehicles  
20 or railroad passenger cars that are stopped to load or unload  
21 passengers, but are prohibited on other motor vehicles,  
22 motorcycles and motor-drawn vehicles except as a means for  
23 indicating a right or left turn.

24           2. A motorcycle headlamp may be wired or equipped to allow  
25 either its upper beam or its lower beam, but not both, to  
26 modulate from a higher intensity to a lower intensity at a rate  
27 of modulation of two hundred to two hundred and eighty cycles per  
28 minute. A headlamp modulator installed on a motorcycle with two

headlamps shall be wired in a manner to prevent the headlamps from modulating at different rates or not in synchronization with each other. A headlamp modulator installed on a motorcycle shall meet the standards prescribed in 49 CFR Part 571, Section 571.108 and Federal Motor Vehicle Standard 571.108, as amended.

3. Notwithstanding the provisions of section 307.120, violation of this section is an infraction.

307.120. Any person violating any of the provisions of sections 307.020 to 307.120 shall, upon conviction thereof, be deemed guilty of ~~[a misdemeanor]~~ an infraction. The term "person" as used in sections 307.020 to 307.120 shall mean and include any individual, association, joint stock company, copartnership or corporation.

307.125. 1. Any person who shall place or drive or cause to be placed or driven upon or along any state or supplementary state highway of this state any animal-driven vehicle whatsoever, whether in motion or at rest, shall after sunset to one-half hour before sunrise have attached to every such vehicle at the rear thereof a red taillight or a red reflecting device of not less than three inches in diameter of effective area or its equivalent in area. When such device shall consist of reflecting buttons there shall be no less than seven of such buttons covering an area equal to a circle with a three-inch diameter. The total subtended effective angle of reflection of every such device shall be no less than sixty degrees and the spread and efficiency of the reflected light shall be sufficient for the reflected light to be visible to the driver of any motor vehicle approaching such animal-drawn vehicle from the rear of a distance



1 of not less than five hundred feet.

2 2. In addition, any person who operates any such  
3 animal-driven vehicle during the hours between sunset and  
4 one-half hour before sunrise shall have at least one light  
5 flashing at all times the vehicle is on any highway of this  
6 state. Such light or lights shall be amber in the front and red  
7 in the back and shall be placed on the left side of the vehicle  
8 at a height of no more than six feet from the ground and shall be  
9 visible from the front and the back of the vehicle at a distance  
10 of at least five hundred feet. Any person violating the  
11 provisions of this section shall be guilty of [a class C  
12 misdemeanor] an infraction.

13 3. Any person operating an animal-driven vehicle during the  
14 hours between sunset and one-half hour before sunrise may, in  
15 lieu of the requirements of subsection 2 of this section, use  
16 lamps or lanterns complying with the rules promulgated by the  
17 director of the department of public safety.

18 4. Any rule or portion of a rule, as that term is defined  
19 in section 536.010, RSMo, that is created under the authority  
20 delegated in this section shall become effective only if it  
21 complies with and is subject to all of the provisions of chapter  
22 536, RSMo, and, if applicable, section 536.028, RSMo. This  
23 section and chapter 536, RSMo, are nonseverable and if any of the  
24 powers vested with the general assembly pursuant to chapter 536,  
25 RSMo, to review, to delay the effective date, or to disapprove  
26 and annul a rule are subsequently held unconstitutional, then the  
27 grant of rulemaking authority and any rule proposed or adopted  
28 after August 28, 2004, shall be invalid and void.

1           307.155. Any person violating any of the provisions of  
2 sections 307.130 to 307.160 shall be deemed guilty of [a class C  
3 misdemeanor] an infraction and shall be punished by a fine of not  
4 to exceed fifty dollars for each offense.

5           307.172. 1. No person shall operate any passenger motor  
6 vehicle upon the public streets or highways of this state, the  
7 body of which has been altered in such a manner that the front or  
8 rear of the vehicle is raised at such an angle as to obstruct the  
9 vision of the operator of the street or highway in front or to  
10 the rear of the vehicle.

11           2. Every motor vehicle which is licensed in this state and  
12 operated upon the public streets or highways of this state shall  
13 be equipped with front and rear bumpers if such vehicle was  
14 equipped with bumpers as standard equipment. This subsection  
15 shall not apply to motor vehicles designed or modified primarily  
16 for off-highway purposes while such vehicles are in tow or to  
17 motorcycles or motor-driven cycles, or to motor vehicles  
18 registered as historic motor vehicles when the original design of  
19 such vehicles did not include bumpers nor shall the provisions of  
20 this subsection prohibit the use of drop bumpers. The  
21 superintendent of the Missouri state highway patrol shall adopt  
22 rules and regulations relating to bumper standards. Maximum  
23 bumper heights of both the front and rear bumpers of motor  
24 vehicles shall be determined by weight category of gross vehicle  
25 weight rating (GVWR) measured from a level surface to the highest  
26 point of the bottom of the bumper when the vehicle is unloaded  
27 and the tires are inflated to the manufacturer's recommended  
28 pressure. Maximum bumper heights are as follows:

1		Maximum front	Maximum rear
2		bumper height	bumper height
3	Motor vehicles except		
4	commercial motor		
5	vehicles	22 inches	22 inches
6			
7	Commercial motor		
8	vehicles (GVWR)		
9	4,500 lbs and under	24 inches	26 inches
10	4,501 lbs through		
11	7,500 lbs	27 inches	29 inches
12	7,501 lbs through		
13	9,000 lbs	28 inches	30 inches
14	9,001 lbs through		
15	11,500 lbs	29 inches	31 inches

16        3. A motor vehicle in violation of this section shall not  
17 be approved during any motor vehicle safety inspection required  
18 pursuant to sections 307.350 to 307.390.

19        4. Any person knowingly violating the provisions of this  
20 section is guilty of ~~[a class C misdemeanor]~~ an infraction.

21        307.173. 1. Any person may operate a motor vehicle with  
22 front sidewing vents or windows located immediately to the left  
23 and right of the driver that have a sun screening device, in  
24 conjunction with safety glazing material, that has a light  
25 transmission of thirty-five percent or more plus or minus three  
26 percent and a luminous reflectance of thirty-five percent or less  
27 plus or minus three percent. Except as provided in subsection 5  
28 of this section, any sun screening device applied to front

1     sidewing vents or windows located immediately to the left and  
2     right of the driver in excess of the requirements of this section  
3     shall be prohibited without a permit pursuant to a physician's  
4     prescription as described below. A permit to operate a motor  
5     vehicle with front sidewing vents or windows located immediately  
6     to the left and right of the driver that have a sun screening  
7     device, in conjunction with safety glazing material, which  
8     permits less light transmission and luminous reflectance than  
9     allowed under the requirements of this subsection, may be issued  
10    by the department of public safety to a person having a serious  
11    medical condition which requires the use of a sun screening  
12    device if the permittee's physician prescribes its use. The  
13    director of the department of public safety shall promulgate  
14    rules and regulations for the issuance of the permit. The permit  
15    shall allow operation of the vehicle by any titleholder or  
16    relative within the second degree by consanguinity or affinity,  
17    which shall mean a spouse, each grandparent, parent, brother,  
18    sister, niece, nephew, aunt, uncle, child, and grandchild of a  
19    person, who resides in the household. Except as provided in  
20    subsection 2 of this section, all sun screening devices applied  
21    to the windshield of a motor vehicle are prohibited.

22         2. This section shall not prohibit labels, stickers,  
23    decalcomania, or informational signs on motor vehicles or the  
24    application of tinted or solar screening material to recreational  
25    vehicles as defined in section 700.010, RSMo, provided that such  
26    material does not interfere with the driver's normal view of the  
27    road. This section shall not prohibit factory-installed tinted  
28    glass, the equivalent replacement thereof or tinting material

1 applied to the upper portion of the motor vehicle's windshield  
2 which is normally tinted by the manufacturer of motor vehicle  
3 safety glass.

4 3. Any rule or portion of a rule, as that term is defined  
5 in section 536.010, RSMo, that is created under the authority  
6 delegated in this section shall become effective only if it  
7 complies with and is subject to all of the provisions of chapter  
8 536, RSMo, and, if applicable, section 536.028, RSMo. This  
9 section and chapter 536, RSMo, are nonseverable and if any of the  
10 powers vested with the general assembly pursuant to chapter 536,  
11 RSMo, to review, to delay the effective date or to disapprove and  
12 annul a rule are subsequently held unconstitutional, then the  
13 grant of rulemaking authority and any rule proposed or adopted  
14 after August 28, 2001, shall be invalid and void.

15 4. Any person who violates the provisions of this section  
16 is guilty of [a class C misdemeanor] an infraction.

17 5. Any vehicle licensed with a historical license plate  
18 shall be exempt from the requirements of this section.

19 307.179. 1. As used in this section, the following terms  
20 shall mean:

21 (1) "Child booster seat", a seating system which meets the  
22 Federal Motor Vehicle Safety Standards set forth in 49 C.F.R.  
23 571.213, as amended, that is designed to elevate a child to  
24 properly sit in a federally approved safety belt system;

25 (2) "Child passenger restraint system", a seating system  
26 which meets the Federal Motor Vehicle Safety Standards set forth  
27 in 49 C.F.R. 571.213, as amended, and which is either permanently  
28 affixed to a motor vehicle or is affixed to such vehicle by a

1 safety belt or a universal attachment system;

2 (3) "Driver", a person who is in actual physical control of  
3 a motor vehicle.

4 2. Every driver transporting a child under the age of  
5 sixteen years shall be responsible, when transporting such child  
6 in a motor vehicle operated by that driver on the streets or  
7 highways of this state, for providing for the protection of such  
8 child as follows:

9 (1) Children less than four years of age, regardless of  
10 weight, shall be secured in a child passenger restraint system  
11 appropriate for that child;

12 (2) Children weighing less than forty pounds, regardless of  
13 age, shall be secured in a child passenger restraint system  
14 appropriate for that child;

15 (3) Children at least four years of age but less than eight  
16 years of age, who also weigh at least forty pounds but less than  
17 eighty pounds, and who are also less than four feet, nine inches  
18 tall, shall be secured in a child passenger restraint system or  
19 booster seat appropriate for that child;

20 (4) Children at least eighty pounds or children more than  
21 four feet, nine inches in height shall be secured by a vehicle  
22 safety belt or booster seat appropriate for that child;

23 (5) A child who otherwise would be required to be secured  
24 in a booster seat may be transported in the back seat of a motor  
25 vehicle while wearing only a lap belt if the back seat of the  
26 motor vehicle is not equipped with a combination lap and shoulder  
27 belt for booster seat installation;

28 (6) When transporting children in the immediate family when

1     there are more children than there are seating positions in the  
2     enclosed area of a motor vehicle, the children who are not able  
3     to be restrained by a child safety restraint device appropriate  
4     for the child shall sit in the area behind the front seat of the  
5     motor vehicle unless the motor vehicle is designed only for a  
6     front seat area. The driver transporting children referred to in  
7     this subsection is not in violation of this section.

8     This subsection shall only apply to the use of a child passenger  
9     restraint system or vehicle safety belt for children less than  
10    sixteen years of age being transported in a motor vehicle.

11       3. Any driver who violates subdivision (1), (2), or (3) of  
12    subsection 2 of this section is guilty of an infraction and, upon  
13    conviction, may be punished by a fine of not more than fifty  
14    dollars and court costs. Any driver who violates subdivision (4)  
15    of subsection 2 of this section shall be subject to the penalty  
16    in subsection 5 of section 307.178. If a driver receives a  
17    citation for violating subdivision (1), (2), or (3) of subsection  
18    2 of this section, the charges shall be dismissed or withdrawn if  
19    the driver prior to or at his or her hearing provides evidence of  
20    acquisition of a child passenger restraint system or child  
21    booster seat which is satisfactory to the court or the party  
22    responsible for prosecuting the driver's citation.

23       4. The provisions of this section shall not apply to any  
24    public carrier for hire.

25       5. The provisions of this section shall not apply to  
26    [students] children four years of age or older who are passengers  
27    on a school bus designed for carrying eleven passengers or more  
28    and which is manufactured or equipped pursuant to Missouri

1 Minimum Standards for School Buses as [school buses are defined  
2 in section 301.010, RSMo] required under section 304.060, RSMo.  
3 The exemption set forth in this subsection shall apply whether or  
4 not such bus is being operated by a school district or other  
5 entity and regardless whether such bus is being used for  
6 educational, religious, or other purposes.

7 [5.] 6. The highways and transportation commission shall  
8 initiate and develop a program of public information to develop  
9 understanding of, and ensure compliance with, the provisions of  
10 this section.

11 307.195. 1. No person shall operate a motorized bicycle on  
12 any highway or street in this state unless the person has a valid  
13 license to operate a motor vehicle.

14 2. No motorized bicycle may be operated on any public  
15 thoroughfare located within this state which has been designated  
16 as part of the federal interstate highway system.

17 3. Violation of this section shall be deemed [a class C  
18 misdemeanor] an infraction.

19 307.198. 1. Every all-terrain vehicle, except those used  
20 in competitive events, shall have the following equipment:

21 (1) A lighted headlamp and tail lamp which shall be in  
22 operation at any time in which an all-terrain vehicle is being  
23 used on any street or highway in this state pursuant to section  
24 304.013, RSMo;

25 (2) An equilateral triangular emblem, to be mounted on the  
26 rear of such vehicle at least two feet above the roadway when  
27 such vehicle is operated upon any street or highway pursuant to  
28 section 300.348, RSMo, or 304.013, RSMo. The emblem shall be



1 constructed of substantial material with a fluorescent  
2 yellow-orange finish and a reflective, red border at least one  
3 inch in width. Each side of the emblem shall measure at least  
4 ten inches;

5 (3) A braking system maintained in good operating  
6 condition;

7 (4) An adequate muffler system in good working condition,  
8 and a United States Forest Service qualified spark arrester.

9 2. A violation of this section shall be [a class C  
10 misdemeanor] an infraction.

11 307.365. 1. No permit for an official inspection station  
12 shall be assigned or transferred or used at any location other  
13 than therein designated and every permit shall be posted in a  
14 conspicuous place at the location designated. The superintendent  
15 of the Missouri state highway patrol shall design and furnish  
16 each official inspection station, at no cost, one official sign  
17 made of metal or other durable material to be displayed in a  
18 conspicuous location to designate the station as an official  
19 inspection station. Additional signs may be obtained by an  
20 official inspection station for a fee equal to the cost to the  
21 state. Each inspection station shall also be supplied with one  
22 or more posters which must be displayed in a conspicuous location  
23 at the place of inspection and which informs the public that  
24 required repairs or corrections need not be made at the  
25 inspection station.

26 2. No person operating an official inspection station  
27 pursuant to the provisions of sections 307.350 to 307.390 may  
28 issue a certificate of inspection and approval for any vehicle

1     except upon an official form furnished by the superintendent of  
2     the Missouri state highway patrol for that purpose and only after  
3     inspecting the vehicle and determining that its brakes, lighting  
4     equipment, signaling devices, steering mechanisms, horns,  
5     mirrors, windshield wipers, tires, wheels, exhaust system,  
6     glazing, air pollution control devices, fuel system and any other  
7     safety equipment as required by the state are in proper condition  
8     and adjustment to be operated upon the public highways of this  
9     state with safety to the driver or operator, other occupants  
10    therein, as well as other persons and property upon the highways,  
11    as provided by sections 307.350 to 307.390 and the regulations  
12    prescribed by the superintendent of the Missouri state highway  
13    patrol. Brakes may be inspected for safety by means of visual  
14    inspection or computerized brake testing. No person operating an  
15    official inspection station shall furnish, loan, give or sell a  
16    certificate of inspection and approval to any other person except  
17    those entitled to receive it under provisions of sections 307.350  
18    to 307.390. No person shall have in such person's possession any  
19    certificate of inspection and approval and/or inspection sticker  
20    with knowledge that the certificate and/or inspection sticker has  
21    been illegally purchased, stolen or counterfeited.

22         3. The superintendent of the Missouri state highway patrol  
23    may require officially designated stations to furnish reports  
24    upon forms furnished by the superintendent for that purpose as  
25    the superintendent considers reasonably necessary for the proper  
26    and efficient administration of sections 307.350 to 307.390.

27         4. If, upon inspection, defects or unsafe conditions are  
28    found, the owner may correct them or shall have them corrected at

1 any place the owner chooses within twenty days after the defect  
2 or unsafe condition is found, and shall have the right to remove  
3 the vehicle to such place for correction, but before the vehicle  
4 is operated thereafter upon the public highways of this state, a  
5 certificate of inspection and approval must be obtained. The  
6 inspecting personnel of the official inspection station must  
7 inform the owner that the corrections need not be made at the  
8 inspection station.

9 5. A fee, not to exceed twelve dollars, as determined by  
10 each official inspection station, may be charged by an official  
11 inspection station for each official inspection including the  
12 issuance of the certificate of inspection and approval, sticker,  
13 seal or other device and a total fee, not to exceed ten dollars,  
14 as determined by each official inspection station, may be charged  
15 for an official inspection of a trailer or motorcycle, which  
16 shall include the issuance of the certificate of inspection and  
17 approval, sticker, seal or other device. Such fee shall be  
18 conspicuously posted on the premises of each such official  
19 inspection station. No owner shall be charged an additional  
20 inspection fee upon having corrected defects or unsafe conditions  
21 found in an inspection completed within the previous twenty  
22 consecutive days, excluding Saturdays, Sundays and holidays, if  
23 such follow-up inspection is made by the station making the  
24 initial inspection. Every inspection for which a fee is charged  
25 shall be a complete inspection, and upon completion of the  
26 inspection, if any defects are found the owner of the vehicle  
27 shall be furnished a list of the defects and a receipt for the  
28 fee paid for the inspection. If the owner of a vehicle decides

1 to have any necessary repairs or corrections made at the official  
2 inspection station, the owner shall be furnished a written  
3 estimate of the cost of such repairs before such repairs or  
4 corrections are made by the official inspection station. The  
5 written estimate shall have plainly written upon it that the  
6 owner understands that the corrections need not be made by the  
7 official inspection station and shall have a signature line for  
8 the owner. The owner must sign below the statement on the  
9 signature line before any repairs are made.

10 6. Certificates of inspection and approval, sticker, seal  
11 or other device shall be purchased by the official inspection  
12 stations from the superintendent of the Missouri state highway  
13 patrol. The superintendent of the Missouri state highway patrol  
14 shall collect a fee of one dollar and fifty cents for each  
15 certificate of inspection, sticker, seal or other device issued  
16 to the official inspection stations, except that no charge shall  
17 be made for certificates of inspection, sticker, seal or other  
18 device issued to official inspection stations operated by  
19 governmental entities. All fees collected shall be deposited in  
20 the state treasury with one dollar of each fee collected credited  
21 to the state highway fund and, for the purpose of administering  
22 and enforcing the state motor vehicle laws and traffic  
23 regulations, fifty cents credited to the "Highway Patrol  
24 Inspection Fund" which is hereby created. The moneys collected  
25 and deposited in the highway patrol inspection fund shall be  
26 expended subject to appropriations by the general assembly for  
27 the administration and enforcement of sections 307.350 to 307.390  
28 by the Missouri state highway patrol. The unexpended balance in

1 the fund at the end of each biennium exceeding the amount of the  
2 appropriations from the fund for the first two fiscal years shall  
3 be transferred to the state road fund, and the provisions of  
4 section 33.080, RSMo, relating to the transfer of funds to the  
5 general revenue fund at the end of the biennium, shall not apply  
6 to the fund.

7 7. The owner or operator of any inspection station who  
8 discontinues operation during the period that a station permit is  
9 valid or whose station permit is suspended or revoked shall  
10 return all official signs and posters and any current unused  
11 inspection stickers, seals or other devices to the superintendent  
12 of the Missouri state highway patrol and shall receive a full  
13 refund on request except for official signs and posters, provided  
14 the request is made during the calendar year or within sixty days  
15 thereafter in the manner prescribed by the superintendent of the  
16 Missouri state highway patrol. Stations which have a valid  
17 permit shall exchange unused previous year issue inspection  
18 stickers and/or decals for an identical number of current year  
19 issue, provided the unused stickers and/or decals are submitted  
20 for exchange not later than April thirtieth of the current  
21 calendar year, in the manner prescribed by the superintendent of  
22 the Missouri state highway patrol.

23 8. Notwithstanding the provisions of section 307.390 to the  
24 contrary, a violation of this section shall be a class C  
25 misdemeanor.

26 307.375. 1. The owner of every bus used to transport  
27 children to or from school in addition to any other inspection  
28 required by law shall submit the vehicle to an official

1 inspection station, and obtain a certificate of inspection,  
2 sticker, seal or other device annually, but the inspection of the  
3 vehicle shall not be made more than sixty days prior to operating  
4 the vehicle during the school year. The inspection shall, in  
5 addition to the inspection of the mechanism and equipment  
6 required for all motor vehicles under the provisions of sections  
7 307.350 to 307.390, include an inspection to ascertain that the  
8 following items are correctly fitted, adjusted, and in good  
9 working condition:

10 (1) All mirrors, including crossview, inside, and outside;  
11 (2) The front and rear warning flashers;  
12 (3) The stop signal arm;  
13 (4) The crossing control arm on public school buses  
14 required to have them pursuant to section 304.050, RSMo;

15 (5) The rear bumper to determine that it is flush with the  
16 bus so that hitching of rides cannot occur;

17 (6) The exhaust tailpipe shall be flush with or may extend  
18 not more than two inches beyond the perimeter of the body or  
19 bumper;

20 (7) The emergency doors and exits to determine them to be  
21 unlocked and easily opened as required;

22 (8) The lettering and signing on the front, side and rear  
23 of the bus;

24 (9) The service door;

25 (10) The step treads;

26 (11) The aisle mats or aisle runners;

27 (12) The emergency equipment which shall include as a  
28 minimum a first aid kit, flares or fuses, and a fire

1     extinguisher;

2             (13)   The seats, including a determination that they are  
3     securely fastened to the floor;

4             (14)   The emergency door buzzer;

5             (15)   All hand hold grips;

6             (16)   The interior glazing of the bus.

7             2.   In addition to the inspection required by subsection 1  
8     of this section, the Missouri state highway patrol shall conduct  
9     an inspection after February first of each school year of all  
10    vehicles required to be marked as school buses under section  
11    304.050, RSMo. This inspection shall be conducted by the  
12    Missouri highway patrol in cooperation with the department of  
13    elementary and secondary education and shall include, as a  
14    minimum, items in subsection 1 of this section and the following:

15            (1)   The driver seat belts;

16            (2)   The heating and defrosting systems;

17            (3)   The reflectors;

18            (4)   The bus steps;

19            (5)   The aisles;

20            (6)   The frame.

21            3.   If, upon inspection, conditions which violate the  
22    standards in subsection 2 of this section are found, the owner or  
23    operator shall have them corrected in ten days and notify the  
24    superintendent of the Missouri state highway patrol or those  
25    persons authorized by the superintendent. If the defects or  
26    unsafe conditions found constitute an immediate danger, the bus  
27    shall not be used until corrections are made and the  
28    superintendent of the Missouri state highway patrol or those

1 persons authorized by the superintendent are notified.

2 4. The Missouri highway patrol may inspect any school bus  
3 at any time and if such inspection reveals a deficiency affecting  
4 the safe operation of the bus, the provisions of subsection 3 of  
5 this section shall be applicable.

6 5. Notwithstanding the provisions of section 307.390 to the  
7 contrary, a violation of this section shall be a class C  
8 misdemeanor.

9 307.390. 1. Any person who violates any provision of  
10 sections 307.350 to 307.390 is guilty of [a misdemeanor] an  
11 infraction and upon [conviction] plea or finding of guilt shall  
12 be punished as provided by law.

13 2. The superintendent of the Missouri state highway patrol  
14 may assign qualified persons who are not highway patrol officers  
15 to investigate and enforce motor vehicle safety inspection laws  
16 and regulations pursuant to sections 307.350 to 307.390 and  
17 sections 643.300 to 643.355, RSMo. A person assigned by the  
18 superintendent pursuant to the authority granted by this  
19 subsection shall be designated a motor vehicle inspector and  
20 shall have limited powers to issue a uniform complaint and  
21 summons for a violation of the motor vehicle inspection laws and  
22 regulations. A motor vehicle inspector shall not have authority  
23 to exercise the power granted in this subsection until such  
24 inspector successfully completes training provided by, and to the  
25 satisfaction of, the superintendent.

26 307.400. 1. It is unlawful for any person to operate any  
27 commercial motor vehicle as defined in Title 49, Code of Federal  
28 Regulations, Part 390.5, either singly or in combination with a



1 trailer, as both vehicles are defined in Title 49, Code of  
2 Federal Regulations, Part 390.5, unless such vehicles are  
3 equipped and operated as required by Parts 390 through 397, Title  
4 49, Code of Federal Regulations, as such regulations have been  
5 and may periodically be amended, whether intrastate  
6 transportation or interstate transportation. Members of the  
7 Missouri state highway patrol are authorized to enter the cargo  
8 area of a commercial motor vehicle or trailer to inspect the  
9 contents when reasonable grounds exist to cause belief that the  
10 vehicle is transporting hazardous materials as defined by Title  
11 49 of the Code of Federal Regulations. The director of the  
12 department of public safety is hereby authorized to further  
13 regulate the safety of commercial motor vehicles and trailers as  
14 he deems necessary to govern and control their operation on the  
15 public highways of this state by promulgating and publishing  
16 rules and regulations consistent with this chapter. Any such  
17 rules shall, in addition to any other provisions deemed necessary  
18 by the director, require:

19 (1) Every commercial motor vehicle and trailer and all  
20 parts thereof to be maintained in a safe condition at all times;

21 (2) Accidents arising from or in connection with the  
22 operation of commercial motor vehicles and trailers to be  
23 reported to the department of public safety in such detail and in  
24 such manner as the director may require.

25  
26 Except for the provisions of subdivisions (1) and (2) of this  
27 subsection, the provisions of this section shall not apply to any  
28 commercial motor vehicle operated in intrastate commerce and

1 licensed for a gross weight of sixty thousand pounds or less when  
2 used exclusively for the transportation of solid waste or  
3 forty-two thousand pounds or less when the license plate has been  
4 designated for farm use by the letter "F" as authorized by the  
5 Revised Statutes of Missouri, unless such vehicle is transporting  
6 hazardous materials as defined in Title 49, Code of Federal  
7 Regulations.

8 2. Notwithstanding the provisions of subsection 1 of this  
9 section to the contrary, Part 391, Subpart E, Title 49, Code of  
10 Federal Regulations, relating to the physical requirements of  
11 drivers shall not be applicable to drivers in intrastate  
12 commerce, provided such drivers were licensed by this state as  
13 chauffeurs to operate commercial motor vehicles on May 13, 1988.  
14 Persons who are otherwise qualified and licensed to operate a  
15 commercial motor vehicle in this state may operate such vehicle  
16 intrastate at the age of eighteen years or older, except that any  
17 person transporting hazardous material must be at least  
18 twenty-one years of age.

19 3. Commercial motor vehicles and drivers of such vehicles  
20 may be placed out of service if the vehicles are not equipped and  
21 operated according to the requirements of this section. Criteria  
22 used for placing vehicles and drivers out of service are the  
23 North American Uniform Out-of-Service Criteria adopted by the  
24 Commercial Vehicle Safety Alliance and the United States  
25 Department of Transportation, as such criteria have been and may  
26 periodically be amended.

27 4. Notwithstanding the provisions of subsection 1 of this  
28 section to the contrary, Part 395, Title 49, Code of Federal

1 Regulations, relating to the hours of drivers, shall not apply to  
2 any vehicle owned or operated by any public utility, rural  
3 electric cooperative or other public service organization, or to  
4 the driver of such vehicle, while providing restoration of  
5 essential utility services during emergencies and operating  
6 intrastate. For the purposes of this subsection, the term  
7 "essential utility services" means electric, gas, water,  
8 telephone and sewer services.

9 5. Part 395, Title 49, Code of Federal Regulations,  
10 relating to the hours of drivers, shall not apply to drivers  
11 transporting agricultural commodities or farm supplies for  
12 agricultural purposes in this state if such transportation:

13 (1) Is limited to an area within a one hundred air mile  
14 radius from the source of the commodities or the distribution  
15 point for the farm supplies; and

16 (2) Is conducted during the planting and harvesting season  
17 within this state, as defined by the department of public safety  
18 by regulation.

19 6. The provisions of Part 395.8, Title 49, Code of Federal  
20 Regulations, relating to recording of a driver's duty status,  
21 shall not apply to drivers engaged in agricultural operations  
22 referred to in subsection 5 of this section, if the motor carrier  
23 who employs the driver maintains and retains for a period of six  
24 months accurate and true records showing:

25 (1) The total number of hours the driver is on duty each  
26 day; and

27 (2) The time at which the driver reports for, and is  
28 released from, duty each day.

1           7. Notwithstanding the provisions of subsection 1 of this  
2 section to the contrary, Parts 390 through 397, Title 49, Code of  
3 Federal Regulations shall not apply to commercial motor vehicles  
4 operated in intrastate commerce to transport property, which have  
5 a gross vehicle weight rating or gross combination weight rating  
6 of twenty-six thousand pounds or less. The exception provided by  
7 this subsection shall not apply to vehicles transporting  
8 hazardous materials or to vehicles designed to transport sixteen  
9 or more passengers including the driver as defined by Title 49 of  
10 the Code of Federal Regulations. Nothing in this subsection  
11 shall be construed to prohibit persons designated by the  
12 department of public safety from inspecting vehicles defined in  
13 this subsection.

14           8. Violation of any provision of this section or any rule  
15 promulgated as authorized therein is [a class B misdemeanor] an  
16 infraction.

17           9. No rule or portion of a rule promulgated under the  
18 authority of this chapter shall become effective unless it has  
19 been promulgated pursuant to the provisions of section 536.024,  
20 RSMo.

21           311.326. After a period of not less than one year, or upon  
22 reaching the age of twenty-one, whichever occurs first, a person  
23 who has pleaded guilty to or has been found guilty of violating  
24 section 311.325 for the first time, and who since such conviction  
25 has not been convicted of any other alcohol-related offense, may  
26 apply to the court in which he or she was sentenced for an order  
27 to expunge all official records of his or her arrest, plea, trial  
28 and conviction. No records shall be expunged if the person who

1 has plead guilty to or has been found guilty of violating section  
2 311.325 is licensed as a commercial motor vehicle driver or was  
3 operating a commercial motor vehicle as defined in section  
4 302.700, RSMo, at the time of the violation. If the court  
5 determines, upon review, that such person has not been convicted  
6 of any other alcohol-related offense at the time of the  
7 application for expungement, and the person has had no other  
8 alcohol-related enforcement contacts, as defined in section  
9 302.525, RSMo, the court shall enter an order of expungement.  
10 The effect of such an order shall be to restore such person to  
11 the status he or she occupied prior to such arrest, plea or  
12 conviction, as if such event had never happened. No person as to  
13 whom such order has been entered shall be held thereafter under  
14 any provision of any law to be guilty of perjury or otherwise  
15 giving a false statement by reason of his or her failure to  
16 recite or acknowledge such arrest, plea, trial, conviction or  
17 expungement in response to any inquiry made of him or her for any  
18 purpose whatsoever. A person shall be entitled to only one  
19 expungement pursuant to this section. Nothing contained in this  
20 section shall prevent courts or other state officials from  
21 maintaining such records as are necessary to ensure that an  
22 individual receives only one expungement pursuant to this  
23 section.

24 385.400. Sections 385.400 to 385.436 shall be known and may  
25 be cited as the "Missouri Vehicle Protection Product Act".

26 385.403. As used in sections 385.400 to 385.436, the  
27 following terms shall mean:

28 (1) "Administrator", a third party other than the warrantor

1 who is designated by the warrantor to be responsible for the  
2 administration of vehicle protection product warranties;

3 (2) "Department", the department of insurance, financial  
4 and professional regulation;

5 (3) "Director", the director of the department of  
6 insurance, financial institutions, and professional regulation;

7 (4) "Incidental costs", expenses specified in the warranty  
8 incurred by the warranty holder related to the failure of the  
9 vehicle protection product to perform as provided in the  
10 warranty. Incidental costs may include, without limitation,  
11 insurance policy deductibles, rental vehicle charges, the  
12 difference between the actual value of the stolen vehicle at the  
13 time of theft and the cost of a replacement vehicle, sales taxes,  
14 registration fees, transaction fees, and mechanical inspection  
15 fees;

16 (5) "Premium", the consideration paid to an insurer for a  
17 reimbursement insurance policy;

18 (6) "Service contract", a contract or agreement for a  
19 separately stated consideration or for a specific duration to  
20 perform the repair, replacement, or maintenance of a motor  
21 vehicle or indemnification for repair, replacement, or  
22 maintenance, for the operational or structural failure due to a  
23 defect in materials, workmanship, or normal wear and tear, with  
24 or without additional provision for incidental payment of  
25 indemnity under limited circumstances, including but not limited  
26 to towing, rental, and emergency road service, but does not  
27 include mechanical breakdown insurance or maintenance agreements;

28 (7) "Vehicle protection product", a vehicle protection

device, system, or service that:

(a) Is installed on or applied to a vehicle;

(b) Is designed to prevent loss or damage to a vehicle from a specific cause; and

(c) Includes a written warranty.

For purposes of sections 385.400 to 385.436, the term "vehicle protection product" shall include, without limitation, alarm systems, body part marking products, steering locks, window etch products, pedal and ignition locks, fuel and ignition kill switches, and electronic, radio, and satellite tracking devices;

(8) "Vehicle protection product warranty" or "warranty", a written agreement by a warrantor that provides that if the vehicle protection product fails to prevent loss or damage to a vehicle from a specific cause, then the warranty holder shall be paid specified incidental costs by the warrantor as a result of the failure of the vehicle protection product to perform pursuant to the terms of the warranty. Incidental costs may be reimbursed under the provisions of the warranty in either a fixed amount specified in the warranty or sales agreement or by the use of a formula itemizing specific incidental costs incurred by the warranty holder;

(9) "Vehicle protection product warrantor" or "warrantor", a person who is contractually obligated to the warranty holder under the terms of the vehicle protection product warranty agreement. "Warrantor" does not include an authorized insurer providing a warranty reimbursement insurance policy;

(10) "Warranty holder", the person who purchases a vehicle protection product or who is a permitted transferee;

1       (11) "Warranty reimbursement insurance policy", a policy of  
2 insurance that is issued to the vehicle protection product  
3 warrantor to provide reimbursement to the warrantor or to pay on  
4 behalf of the warrantor all covered contractual obligations  
5 incurred by the warrantor under the terms and conditions of the  
6 insured vehicle protection product warranties sold by the  
7 warrantor.

8       385.406. 1. No vehicle protection product may be sold or  
9 offered for sale in this state unless the seller, warrantor, and  
10 administrator, if any, comply with the provisions of sections  
11 385.400 to 385.436.

12       2. Vehicle protection product warrantors and related  
13 vehicle protection product sellers and warranty administrators  
14 complying with sections 385.400 to 385.436 are not required to  
15 comply with and are not subject to any other provisions of the  
16 state insurance code.

17       3. Service contract providers who do not sell vehicle  
18 protection products are not subject to the requirements of  
19 sections 385.400 to 385.436 and sales of vehicle protection  
20 products are exempt from the requirements of sections 407.1200 to  
21 407.1227, RSMo.

22       4. Warranties, indemnity agreements, and guarantees that  
23 are not provided as a part of a vehicle protection product are  
24 not subject to the provisions of sections 385.400 to 385.436.

25       5. Notwithstanding the provisions of sections 408.140 and  
26 408.233, RSMo, a business which is licensed and regulated under  
27 sections 367.100 to 367.215, RSMo, or under sections 367.500 to  
28 367.533, RSMo, may offer and sell service contracts, as defined



1 in section 384.403, in conjunction with other transactions.

2 385.409. 1. A person may not operate as a warrantor or  
3 represent to the public that the person is a warrantor unless the  
4 person is registered with the department on a form prescribed by  
5 the director.

6 2. Warrantor registration records shall be filed annually  
7 and shall be updated within thirty days of any change. The  
8 registration records shall contain the following information:

9 (1) The warrantor's name, any fictitious names under which  
10 the warrantor does business in the state, principal office  
11 address, and telephone number;

12 (2) The name and address of the warrantor's agent for  
13 service of process in the state if other than the warrantor;

14 (3) The names of the warrantor's executive officer or  
15 officers directly responsible for the warrantor's vehicle  
16 protection product business;

17 (4) The name, address, and telephone number of any  
18 administrators designated by the warrantor to be responsible for  
19 the administration of vehicle protection product warranties in  
20 this state;

21 (5) A copy of the warranty reimbursement insurance policy  
22 or policies or other financial information required by section  
23 385.412;

24 (6) A copy of each warranty the warrantor proposes to use  
25 in this state; and

26 (7) A statement indicating under which provision of section  
27 385.412 the warrantor qualifies to do business in this state as a  
28 warrantor.

1       3. The director may charge each registrant a reasonable fee  
2 to offset the cost of processing the registration and maintaining  
3 the records in an amount not to exceed five hundred dollars  
4 annually or as set by regulation. The information in  
5 subdivisions (1) and (2) of subsection 2 of this section shall be  
6 made available to the public.

7       4. If a registrant fails to register by the renewal  
8 deadline, the director shall give him or her written notice of  
9 the failure and the registrant will have thirty days to complete  
10 the renewal of his or her registration before he or she is  
11 suspended from being registered in this state.

12       5. An administrator or person who sells or solicits a sale  
13 of a vehicle protection product but who is not a warrantor shall  
14 not be required to register as a warrantor or be licensed under  
15 the insurance laws of this state to sell vehicle protection  
16 products.

17       385.412. No vehicle protection product shall be sold or  
18 offered for sale in this state unless the warrantor conforms to  
19 either subdivision (1) or (2) of this section in order to ensure  
20 adequate performance under the warranty. No other financial  
21 security requirements or financial standards for warrantors shall  
22 be required. The vehicle protection product's warrantor may meet  
23 the requirements of this section by:

24       (1) Obtaining a warranty reimbursement insurance policy  
25 issued by an insurer authorized to do business within this state  
26 which provides that the insurer will pay to, or on behalf of, the  
27 warrantor one hundred percent of all sums that the warrantor is  
28 legally obligated to pay according to the warrantor's contractual

1 obligations under the warrantor's vehicle protection product  
2 warranty. The warrantor shall file a true and correct copy of  
3 the warranty reimbursement insurance policy with the director.  
4 The policy shall contain the provisions required in section  
5 385.415; or

6 (2) Maintaining a net worth or stockholder's equity of  
7 fifty million dollars. The warrantor shall provide the director  
8 with a copy of the warrantor's or warrantor's parent company's  
9 most recent Form 10-K or Form 20-F filed with the Securities and  
10 Exchange Commission within the last calendar year, or if the  
11 warrantor does not file with the Securities and Exchange  
12 Commission, a copy of the warrantor or the warrantor's parent  
13 company's audited financial statements that shows a net worth of  
14 the warrantor or its parent company of at least fifty million  
15 dollars. If the warrantor's parent company's Form 10-K, Form 20-  
16 F, or audited financial statements are filed to meet the  
17 warrantor's financial stability requirement, then the parent  
18 company shall agree to guarantee the obligations of the warrantor  
19 relating to warranties issued by the warrantor in this state.

20 The financial information filed under this subdivision shall be  
21 confidential as a trade secret of the entity filing the  
22 information and not subject to public disclosure if the entity is  
23 not required to file with the Securities and Exchange Commission.

24 385.415. No warranty reimbursement insurance policy shall  
25 be issued, sold, or offered for sale in this state unless the  
26 policy meets the following conditions:

27 (1) The policy states that the issuer of the policy will  
28 reimburse or pay on behalf of the vehicle protection product

1 warrantor all covered sums which the warrantor is legally  
2 obligated to pay or will provide that all service that the  
3 warrantor is legally obligated to perform according to the  
4 warrantor's contractual obligations under the provisions of the  
5 insured warranties sold by the warrantor;

6 (2) The policy states that in the event payment due under  
7 the terms of the warranty is not provided by the warrantor within  
8 sixty days after proof of loss has been filed according to the  
9 terms of the warranty by the warranty holder, the warranty holder  
10 may file directly with the warranty reimbursement insurance  
11 company for reimbursement;

12 (3) The policy provides that a warranty reimbursement  
13 insurance company that insures a warranty shall be deemed to have  
14 received payment of the premium if the warranty holder paid for  
15 the vehicle protection product and insurer's liability under the  
16 policy shall not be reduced or relieved by a failure of the  
17 warrantor, for any reason, to report the issuance of a warranty  
18 to the insurer; and

19 (4) The policy has the following provisions regarding  
20 cancellation of the policy:

21 (a) The issuer of a reimbursement insurance policy shall  
22 not cancel such policy until a notice of cancellation in writing  
23 has been mailed or delivered to the director and each insured  
24 warrantor sixty days prior to cancellation of the policy;

25 (b) The cancellation of a reimbursement insurance policy  
26 shall not reduce the issuer's responsibility for vehicle  
27 protection products sold prior to the date of cancellation; and

28 (c) In the event an insurer cancels a policy that a

1 warrantor has filed with the director, the warrantor shall do  
2 either of the following:

3 a. File a copy of a new policy with the director, before  
4 the termination of the prior policy; or

5 b. Discontinue offering warranties as of the termination  
6 date of the policy until a new policy becomes effective and is  
7 accepted by the director.

8 385.418. 1. Every vehicle protection product warranty  
9 shall be written in clear, understandable language and shall be  
10 printed or typed in an easy-to-read point size and font and shall  
11 not be issued, sold, or offered for sale in the state unless the  
12 warranty:

13 (1) States that the obligations of the warrantor to the  
14 warranty holder are guaranteed under a warranty reimbursement  
15 insurance policy if the warrantor elects to meet its financial  
16 responsibility obligations under subdivision (1) of section  
17 385.412, or states the obligations of the warrantor under this  
18 warranty are backed by the full faith and credit of the warrantor  
19 if the warrantor elects to meet its financial responsibility  
20 under subdivision (2) of section 385.412;

21 (2) States that in the event a warranty holder must make a  
22 claim against a party other than the warrantor, the warranty  
23 holder is entitled to make a direct claim against the warranty  
24 reimbursement insurer upon the failure of the warrantor to pay  
25 any claim or meet any obligation under the terms of the warranty  
26 within sixty days after proof of loss has been filed with the  
27 warrantor, if the warrantor elects to meet its financial  
28 responsibility obligations under subdivision (1) of section

385.412;

(3) States the name and address of the insurer of the warranty reimbursement insurance policy, and this information need not be preprinted on the warranty form but may be stamped on the warranty, if the warrantor elects to meet its financial responsibility obligations under subdivision (1) of section 385.412;

(4) Identifies the warrantor, the seller, and the warranty holder;

(5) Sets forth the total purchase price of the vehicle protection product and the terms under which it is to be paid; however, the purchase price is not required to be preprinted on the vehicle protection product warranty and may be negotiated with the consumer at the time of sale;

(6) Sets forth the procedure for making a claim, including a telephone number;

(7) States the existence of a deductible amount, if any;

(8) Specifies the payments or performance to be provided under the warranty including payments for incidental costs, the manner of calculation or determination of payments or performance, and any limitations, exceptions, or exclusions;

(9) Sets forth all of the obligations and duties of the warranty holder such as the duty to protect against further damage to the vehicle, the obligation to notify the warrantor in advance of any repair, or other similar requirements, if any;

(10) Sets forth any terms, restrictions, or conditions governing transferability of the warranty, if any; and

(11) Contains a disclosure that reads substantially as

1 follows: "This agreement is a product warranty and is not  
2 insurance".

3 2. At the time of sale, the seller or warrantor shall  
4 provide to the purchaser:

5 (1) A copy of the vehicle protection product warranty; or

6 (2) A receipt or other written evidence of the purchase of  
7 the vehicle protection product and a copy of the warranty within  
8 thirty days of the date of purchase.

9 385.421. 1. No vehicle protection product may be sold or  
10 offered for sale in this state unless the vehicle protection  
11 product warranty states the terms and conditions governing the  
12 cancellation of the sale and warranty, if any.

13 2. The warrantor may only cancel the warranty if the  
14 warranty holder does any of the following:

15 (1) Fails to pay for the vehicle protection product;

16 (2) Makes a material misrepresentation to the seller or  
17 warrantor;

18 (3) Commits fraud; or

19 (4) Substantially breaches the warranty holder's duties  
20 under the warranty.

21 3. A warrantor canceling a warranty shall mail written  
22 notice of cancellation to the warranty holder at the last known  
23 address of the warranty holder in the warrantor's records at  
24 least thirty days prior to the effective date of the  
25 cancellation. The notice shall state the effective date of the  
26 cancellation and the reason for the cancellation.

27 385.424. 1. Unless licensed as an insurance company, a  
28 vehicle protection product warrantor shall not use in its name,

1 contracts, or literature the words "insurance", "casualty",  
2 "surety", "mutual", or any other word that is descriptive of the  
3 insurance, casualty, or surety business or that is deceptively  
4 similar to the name or description of any insurance or surety  
5 corporation or any other vehicle protection product warrantor. A  
6 warrantor may use the term "guaranty" or a similar word in the  
7 warrantor's name. A warrantor or its representative shall not in  
8 its vehicle protection product warranties or literature make,  
9 permit, or cause to be made any false or misleading statement, or  
10 deliberately omit any material statement that would be considered  
11 misleading if omitted, in connection with the sale, offer to  
12 sell, or advertisement of a vehicle protection product warranty.

13 2. A vehicle protection product seller or warrantor may not  
14 require as a condition of financing that a retail purchaser of a  
15 motor vehicle purchase a vehicle protection product.

16 385.427. 1. All vehicle protection product warrantors  
17 shall keep accurate accounts, books, and records concerning  
18 transactions regulated under sections 385.400 to 385.436.

19 2. A vehicle protection product warrantor's accounts,  
20 books, and records shall include:

21 (1) Copies of all vehicle protection product warranties;

22 (2) The name and address of each warranty holder; and

23 (3) Claims files which shall contain at least the dates,  
24 amounts, and descriptions of all receipts, claims, and  
25 expenditures.

26 3. A vehicle protection product warrantor shall retain all  
27 required accounts, books, and records pertaining to each warranty  
28 holder for at least three years after the specified period of



1 coverage has expired. A warrantor discontinuing business in the  
2 state shall maintain its records until it furnishes the director  
3 satisfactory proof that it has discharged all obligations to  
4 warranty holders in this state.

5 4. Vehicle protection product warrantors shall make all  
6 accounts, books, and records concerning transactions regulated  
7 under sections 385.400 to 385.436 available to the director for  
8 examination.

9 385.430. 1. The director may conduct examinations of  
10 warrantors, administrators, or other persons to enforce sections  
11 385.400 to 385.436 and protect warranty holders in this state.  
12 Upon request of the director, a warrantor shall make available to  
13 the director all accounts, books, and records concerning vehicle  
14 protection products provided by the warrantor that are necessary  
15 to enable the director to reasonably determine compliance or  
16 noncompliance with sections 385.400 to 385.436.

17 2. If the director determines that a person has engaged, is  
18 engaging in, or has taken a substantial step toward engaging in  
19 an act, practice, or course of business constituting a violation  
20 of sections 385.400 to 385.436 or a rule adopted or order issued  
21 pursuant thereto, or a person has materially aided or is  
22 materially aiding an act, practice, omission, or course of  
23 business constituting a violation of sections 385.400 to 385.436  
24 or a rule adopted or order issued pursuant thereto, the director  
25 may issue such administrative orders as authorized under section  
26 374.046, RSMo. A violation of these sections is a level two  
27 violation under section 374.049, RSMo.

28 3. If the director believes that a person has engaged, is

1 engaging in, or has taken a substantial step toward engaging in  
2 an act, practice, or course of business constituting a violation  
3 of sections 385.400 to 385.436 or a rule adopted or order issued  
4 pursuant thereto, or that a person has materially aided or is  
5 materially aiding an act, practice, omission, or course of  
6 business constituting a violation of sections 385.400 to 385.436  
7 or a rule adopted or order issued pursuant thereto, the director  
8 may maintain a civil action for relief authorized under section  
9 374.048, RSMo. A violation of these sections is a level two  
10 violation under section 374.049, RSMo.

11 385.433. The director may promulgate rules and regulations  
12 to implement the provisions of sections 385.400 to 385.436. Such  
13 rules and regulations shall include disclosures for the benefit  
14 of the warranty holder, record keeping, and procedures for public  
15 complaints. Any rule or portion of a rule, as that term is  
16 defined in section 536.010, RSMo, that is created under the  
17 authority delegated in this section shall become effective only  
18 if it complies with and is subject to all of the provisions of  
19 chapter 536, RSMo, and, if applicable, section 536.028, RSMo.  
20 This section and chapter 536, RSMo, are nonseverable and if any  
21 of the powers vested with the general assembly pursuant to  
22 chapter 536, RSMo, to review, to delay the effective date, or to  
23 disapprove and annul a rule are subsequently held  
24 unconstitutional, then the grant of rulemaking authority and any  
25 rule proposed or adopted after August 28, 2007, shall be invalid  
26 and void.

27 385.436. Sections 385.400 to 385.436 applies to all vehicle  
28 protection products sold or offered for sale on or after January

1 1, 2008. The failure of any person to comply with sections  
2 385.400 to 385.436 prior to January 1, 2008, shall not be  
3 admissible in any court proceeding, administrative proceeding,  
4 arbitration, or alternative dispute resolution proceeding and may  
5 not otherwise be used to prove that the action of any person or  
6 the affected vehicle protection product was unlawful or otherwise  
7 improper. The adoption of sections 385.400 to 385.436 does not  
8 imply that a vehicle protection product warranty was insurance  
9 prior to January 1, 2008. The penalty provision of sections  
10 385.400 to 385.436 do not apply to any violation of sections  
11 385.400 to 385.436 relating to or in connection with the sale or  
12 failure to disclose in a retail installment contract or lease, or  
13 contract or agreement that provides for payments under a vehicle  
14 protection product warranty so long as the sale of such product,  
15 contract, or agreement was otherwise disclosed to the purchaser  
16 in writing at the time of the purchase or lease.

17 387.075. 1. Notwithstanding any provision of chapter 390,  
18 RSMo, chapter 622, RSMo, or this chapter to the contrary, any  
19 common carrier that is authorized to transport household goods by  
20 a certificate issued under section 390.051, RSMo, may file one or  
21 more applications to the state highways and transportation  
22 commission for approval of rate schedules, applicable to that  
23 carrier's intrastate transportation of household goods, that  
24 authorize periodic rate adjustments outside of general rate  
25 proceedings to reflect increases and decreases in the carrier's  
26 prudently incurred costs of providing transportation of property  
27 by motor vehicle. The filing of applications by common carriers  
28 under this section shall be authorized upon the same terms and

1 conditions as provided in section 386.266, RSMo, with reference  
2 to the filing of applications to the public service commission by  
3 an electrical, gas, or water corporation. These applications  
4 shall be made in such form, and shall contain such information,  
5 as the state highways and transportation commission reasonably  
6 may require.

7 2. Notwithstanding any provision of chapter 390, RSMo,  
8 chapter 622, RSMo, or this chapter to the contrary, the state  
9 highways and transportation commission shall consider and  
10 determine every application filed under subsection 1 of this  
11 section, upon the same terms and conditions as provided in  
12 section 386.266, RSMo, with reference to the public service  
13 commission's consideration and determination of applications by  
14 an electrical, gas, or water corporation under that section.

15 3. In proceedings under this section, common carriers and  
16 the state highways and transportation commission shall be  
17 governed by the statutes and rules of practice and procedure that  
18 are applicable in motor carrier proceedings under chapters 387,  
19 390, and 622, RSMo, except to the extent they are inconsistent  
20 with the requirements of this section. The statutes and rules  
21 that generally govern public service commission proceedings  
22 relating to electrical, gas, and water corporations shall not  
23 apply in proceedings under this section.

24 390.021. 1. The provisions of this section shall be  
25 applicable, notwithstanding any provisions of section 390.030 to  
26 the contrary.

27 2. As used in chapter 622, RSMo, and in this section,  
28 except when the context clearly requires otherwise, the following

1 terms shall mean:

2 (1) "UCR implementing regulations", includes the  
3 regulations issued by the United States Secretary of  
4 Transportation under 49 U.S.C.A. Section 13908, the rules and  
5 regulations issued by the board of directors of the Unified  
6 Carrier Registration (UCR) plan under 49 U.S.C.A. Section 14504a,  
7 and the administrative rules adopted by the state highways and  
8 transportation commission under this section;

9 (2) "Unified Carrier Registration Act", or "UCR Act",  
10 sections 4301 to 4308 of the Unified Carrier Registration Act of  
11 2005, within subtitle C of title IV of the "Safe, Accountable,  
12 Flexible, Efficient Transportation Equity Act: A Legacy For  
13 Users" or "SAFETEA-LU", Public Law 109-59 (119 Stat. 1761), as  
14 those sections have been and periodically may be amended.

15 3. Except when the context clearly requires otherwise, the  
16 definitions of words in 49 U.S.C. Sections 13102, 13908, and  
17 14504a shall apply to and determine the meaning of those words as  
18 used in this section.

19 4. In carrying out and being subject to the provisions of  
20 the UCR Act, the Unified Carrier Registration (UCR) agreement,  
21 the UCR implementing regulations, and this section, but  
22 notwithstanding any other provisions of law to the contrary, the  
23 state highways and transportation commission may:

24 (1) Submit to the proper federal authorities, amend and  
25 carry out a state plan to qualify as a base-state and to  
26 participate in the UCR plan and administer the UCR agreement, and  
27 take other necessary actions as the designated representative of  
28 the state of Missouri so that:

1       (a) Missouri domiciled entities who must register and pay  
2 UCR registration fees are not required to register and pay those  
3 fees in a base-state other than the state of Missouri;

4       (b) The state of Missouri does not forfeit UCR registration  
5 fee revenues; and

6       (c) The state of Missouri may maintain its eligibility to  
7 receive the maximum allowable allocations of revenues derived  
8 under the UCR agreement;

9       (2) Administer the UCR registration of Missouri domiciled  
10 motor carriers, motor private carriers, brokers, freight  
11 forwarders and leasing companies, and such persons domiciled in  
12 non-participating states who have designated this state as their  
13 base-state under the UCR Act;

14       (3) Receive, collect, process, deposit, transfer,  
15 distribute, and refund UCR registration fees relating to any of  
16 the persons and activities described in this section.

17 Notwithstanding any provisions of law to the contrary, these UCR  
18 registration fees collected by the commission are hereby  
19 designated as "nonstate funds" within the meaning of section 15,  
20 article IV, Constitution of Missouri, and the commission shall  
21 transmit these funds to the state department of revenue for  
22 deposit to the credit of the state highways and transportation  
23 department fund. The commission shall, from time to time, direct  
24 the payment of, and the director of revenue shall pay, the fees  
25 so deposited, in accordance with the provisions of the UCR Act,  
26 the UCR agreement, and the UCR implementing regulations. The  
27 director of revenue shall credit all income derived from the  
28 investment of these funds to the state highways and

1 transportation department fund;

2 (4) Exercise all other powers, duties, and functions the  
3 UCR Act requires of or allows a participating state or base-  
4 state;

5 (5) Promulgate administrative rules and issue specific  
6 orders relating to any of the persons and activities described in  
7 this section. Any rule or portion of a rule, as that term is  
8 defined in section 536.010, RSMo, that is created under the  
9 authority delegated in this section shall become effective only  
10 if it complies with and is subject to all of the provisions of  
11 chapter 536, RSMo, and, if applicable, section 536.028, RSMo.  
12 This section and chapter 536, RSMo, are nonseverable and if any  
13 of the powers vested with the general assembly pursuant to  
14 chapter 536, RSMo, to review, to delay the effective date, or to  
15 disapprove and annul a rule are subsequently held  
16 unconstitutional, then the grant of rulemaking authority and any  
17 rule proposed or adopted after August 28, 2007, shall be invalid  
18 and void;

19 (6) Enter into agreements with any agencies or officers of  
20 the United States, or of any state that participates or intends  
21 to enter into the UCR agreement; and

22 (7) Delegate any or all of the powers, duties, and  
23 functions of the commission under this section to any agent or  
24 contractor.

25 5. After the commission has entered into the UCR plan on  
26 behalf of this state, the requirements in the UCR agreement shall  
27 take precedence over any conflicting requirements under chapter  
28 622, RSMo, or this chapter.

1       6. Notwithstanding any other provisions of law to the  
2 contrary, every motor carrier, motor private carrier, broker,  
3 freight forwarder, and leasing company that has its principal  
4 place of business within this state, and every such person who  
5 has designated this state as the person's base-state under the  
6 provisions of the UCR Act, shall timely complete and file with  
7 the state highways and transportation commission all the forms  
8 required by the UCR agreement and the UCR implementing  
9 regulations, and shall pay the required UCR registration fees to  
10 the commission.

11       7. All powers of the commission under section 226.008,  
12 RSMo, are hereby made applicable to the enforcement of this  
13 section with reference to any person subject to any provision of  
14 this section. The chief counsel shall not be required to exhaust  
15 any administrative remedies before commencing any enforcement  
16 actions under this section. The provisions of chapter 622, RSMo,  
17 shall apply to and govern the practice and procedures before the  
18 courts in those actions.

19       8. Except as required by the UCR Act, the UCR agreement, or  
20 the UCR implementing regulations, the provisions of this section  
21 and the rules adopted by the commission under this section shall  
22 not be construed as exempting any motor carrier, or any person  
23 controlled by a motor carrier, from any of the requirements of  
24 chapter 622, RSMo, or this chapter, relating to the  
25 transportation of passengers or property in intrastate commerce.

26       390.030. 1. The provisions of this chapter shall not apply  
27 to:

28       (1) School buses;



1           (2)   Taxicabs;

2           (3)   Motor vehicles while being used exclusively to

3 transport;

4           (a)   Stocker and feeder livestock from farm to farm, or from

5 market to farm,

6           (b)   Farm or dairy products including livestock from a farm

7 or dairy,

8           (c)   Agricultural limestone or fertilizer to farms,

9           (d)   Property from farm to farm,

10          (e)   Raw forest products from farm, or

11          (f)   Cotton, cottonseed, and cottonseed hulls;

12          (4)   Motor vehicles when operated under contract with the

13 federal government for carrying the United States mail and when

14 on a trip provided in the contract;

15          (5)   Motor vehicles used solely in the distribution of

16 newspapers from the publisher to subscribers or distributors;

17          (6)   The transportation of passengers or property performed

18 by a carrier pursuant to a contract between the carrier and the

19 state of Missouri or any civil subdivision thereof, where the

20 transportation services are paid directly to the carrier by the

21 state of Missouri or civil subdivision;

22          (7)   Freight-carrying motor vehicles duly registered and

23 licensed in conformity with the provisions of chapter 301, RSMo,

24 for a gross weight of six thousand pounds or less;

25          (8)   The transportation of passengers or property wholly

26 within a municipality, or between contiguous municipalities, or

27 within a commercial zone as defined in section 390.020, or within

28 a commercial zone established by the division of motor carrier

1 and railroad safety pursuant to the provisions of subdivision (4)  
2 of section 390.041; provided, the exemption in this subdivision  
3 shall not apply to motor carriers of persons operating to, from  
4 or between points located wholly or in part in counties now or  
5 hereafter having a population of more than three hundred thousand  
6 persons, where such points are not within the same municipality  
7 [and to motor carriers of commodities in bulk to include liquids,  
8 in tank or hopper type vehicles,] and in a commercial zone as  
9 defined herein or by the division;

10 (9) Street railroads and public utilities other than common  
11 carriers as defined in section 386.020, RSMo;

12 (10) Motor vehicles whose operations in the state of  
13 Missouri are interstate in character and are limited exclusively  
14 to a municipality and its commercial zone;

15 (11) Motor vehicles, commonly known as tow trucks or  
16 wreckers, designed and exclusively used in the business of towing  
17 or otherwise rendering assistance to abandoned, disabled or  
18 wrecked vehicles;

19 (12) Motor vehicles while being used solely by a group of  
20 employees to commute to and from their place or places of  
21 employment, except that the motor vehicle must be driven by a  
22 member of the group.

23 2. Nothing contained in this section shall be deemed to  
24 exempt the vehicles of driveway operators.

25 3. Except for the provisions of subdivision (5) of section  
26 390.041, the provisions of this chapter shall not apply to  
27 private carriers.

28 4. No agency of state government nor any county or

1 municipality or their agencies shall discriminate against any  
2 motor carrier or private carrier or deny any such carrier  
3 operating a motor vehicle public access to any building, facility  
4 or area owned by or operated for the public unless such  
5 discrimination or denial is based solely on reasonable vehicle  
6 size or weight considerations. The provisions of this subsection  
7 shall only apply in cities not within a county and first class  
8 counties with a charter form of government which adjoin any city  
9 not within a county.

10 5. Beginning January 1, 2008, the exemptions in  
11 subdivisions (8) and (10) of subsection 1 of this section shall  
12 not apply to intrastate motor carriers that transport household  
13 goods.

14 390.136. 1. No motor carrier, except as provided in  
15 section 390.030, shall operate any motor vehicle unless such  
16 vehicle shall be accompanied by an annual or seventy-two-hour  
17 regulatory license issued by the state highways and  
18 transportation commission; provided that when a motor carrier  
19 uses a truck-tractor for pulling trailers or semitrailers, such  
20 motor carrier may elect to license either the truck-tractor,  
21 trailer or semitrailer. The fee for each such regulatory license  
22 shall be ten dollars per year and shall be due and payable as  
23 provided in this section. Such license shall be issued in such  
24 form and shall be used pursuant to such reasonable rules and  
25 regulations as may be prescribed by the commission.

26 2. Any regulatory license issued to a motor carrier for use  
27 in driveaway operations, as defined in this section, shall be  
28 issued to such motor carrier without reference to any particular

1 vehicle and may be used interchangeably by the holder thereof on  
2 any motor vehicle or combinations thereof moving in driveway  
3 operations under such carrier's property carrier registration,  
4 certificate, or permit.

5 3. In case of emergency, temporary, unusual or a peak  
6 demand for transportation, additional vehicles as described in  
7 subsection 1 of this section may be operated upon issuance of a  
8 seventy-two-hour license for each vehicle so operated. The  
9 license fee for each such additional vehicle shall be the sum of  
10 five dollars for each seventy-two consecutive hours, or any  
11 portion thereof. Such licenses shall be issued, renewed, and  
12 staggered in such form and shall be used pursuant to such  
13 reasonable rules and regulations as the commission may prescribe.  
14 No such additional vehicle which has been licensed pursuant to  
15 this subsection shall be operated without being accompanied by  
16 such license.

17 4. The commission shall collect the applicable license fee  
18 prior to the issuance of such license or licenses provided for in  
19 this section, and shall receive the license fee or fees and  
20 immediately deposit the same to the credit of the state highways  
21 and transportation department fund [except as otherwise provided  
22 in section 622.095, RSMo,] or when an agreement has been  
23 negotiated with another jurisdiction whereby prepayment is not  
24 required. In such cases, [section 622.095, RSMo, if applicable,  
25 or] the terms of the agreement shall prevail.

26 5. Any person operating as a motor carrier who violates or  
27 fails to comply with any of the provisions of this section shall  
28 be adjudged guilty of a misdemeanor and, upon conviction thereof,

1 shall be punished by a fine of not more than one hundred dollars.

2 6. The regulatory license fee provided in this section may  
3 be paid at any state weigh station.

4 7. The commission shall prescribe, for every regulatory  
5 license issued pursuant to this section, an effective date and an  
6 expiration date. Notwithstanding any provision of law to the  
7 contrary, the commission may stagger the issuance of licenses  
8 pursuant to this section to begin at quarterly intervals during  
9 any calendar year. Not later than the expiration date of the  
10 current license, or as otherwise prescribed, each motor carrier  
11 shall pay the regulatory license fee for each vehicle that the  
12 carrier will operate during the next yearly period. The  
13 commission may issue partial or over one-year licenses during the  
14 transition from an annual license, to accommodate motor carriers  
15 in adding vehicles to their operations during the year, to  
16 coordinate the dates for a single carrier's licensing of multiple  
17 licenses, or for such other reasons as approved by the  
18 commission.

19 390.372. 1. Notwithstanding any provision of law to the  
20 contrary, a provision, clause, covenant, or agreement contained  
21 in, collateral to, or affecting a motor carrier transportation  
22 contract that purports to indemnify, defend, or hold harmless, or  
23 has the effect of indemnifying, defending, or holding harmless,  
24 the promisee from or against any liability for loss or damage  
25 resulting from the negligence or intentional acts or omissions of  
26 the promisee is against the public policy of this state and is  
27 void and unenforceable.

28 2. For the purposes of this section, the following terms

1 shall mean:

2 (1) "Motor carrier transportation contract", a contract,  
3 agreement, or understanding covering:

4 (a) The transportation of property for compensation or hire  
5 by the motor carrier;

6 (b) The entrance on property by the motor carrier for the  
7 purpose of loading, unloading, or transporting property for  
8 compensation or hire; or

9 (c) A service incidental to activity described in  
10 paragraphs (a) and (b) of this subdivision, including but not  
11 limited to, storage of property;

12 "Motor carrier transportation contract" shall not include the  
13 Uniform Intermodal Interchange and Facilities Access Agreement  
14 administered by the Intermodal Association of North America or  
15 other agreements providing for the interchange, use or possession  
16 of intermodal chassis, or other intermodal equipment;

17 (2) "Promisee", the promisee and any agents, employees,  
18 servants, or independent contractors who are directly responsible  
19 to the promisee except for motor carriers party to a motor  
20 carrier transportation contract with a promisee, and such motor  
21 carrier's agents, employees, servants, or independent contractors  
22 directly responsible to such motor carrier.

23 407.730. As used in sections 407.730 to 407.748, the  
24 following terms mean:

25 (1) "Advertisement", oral, written, graphic or pictorial  
26 statements made in the course of solicitation of business  
27 including, without limitation, any statement or representation  
28 made in a newspaper, magazine, the car rental company's

1 proprietary web site, or other publication, or contained in any  
2 notice, sign, poster, display, circular, pamphlet, or letter  
3 which may collectively be called "print advertisements", or on  
4 radio or television, which may be referred to as "broadcast  
5 commercials";

6 (2) "Authorized driver":

7 (a) The renter;

8 (b) The renter's spouse if the spouse is a licensed driver  
9 and satisfies the car rental company's minimum age requirement;

10 (c) The renter's employee or co-worker if they are engaged  
11 in business activity with the person to whom the vehicle is  
12 rented, are licensed drivers, and satisfy the rental company's  
13 minimum age requirements;

14 (d) Any person who operates the vehicle during an emergency  
15 situation; and

16 (e) Any person expressly listed by the car rental company  
17 on the renter's contract as an authorized driver;

18 (3) "Blackout date", any date on which an advertised price  
19 is totally unavailable to the public;

20 (4) "Car rental company", any person or entity in the  
21 business of renting private passenger vehicles to the public;

22 (5) "Car rental insurance", products and services that are  
23 offered in connection with and incidental to the rental of a  
24 motor vehicle under subdivision (10) of subsection 1 of section  
25 375.786, RSMo. This definition of optional car rental insurance  
26 or any other definition of insurance shall not include collision  
27 damage waiver;

28 (6) "Clear and conspicuous", that the statement,

1 representation or term being disclosed is of such size, color  
2 contrast, and audibility and is so presented as to be readily  
3 noticed and understood by the person to whom it is being  
4 disclosed. All language and terms should be used in accordance  
5 with their common or ordinary usage and meaning;

6 (7) "Collision damage waiver", any product a consumer  
7 purchases from a car rental company in order to waive all or part  
8 of his responsibility for damages, or loss of, a rental vehicle;

9 (8) "Limited time availability", that the advertised rental  
10 price is only available for a specific period of time or that the  
11 price is not available during certain blackout periods;

12 (9) "Mandatory charge", any charge, fee, or surcharge  
13 consumers must generally pay in order to obtain or operate a  
14 rental vehicle;

15 (10) "Master rental agreement", those documents used by a  
16 car rental company for expedited service to members in a program  
17 sponsored by the car rental company in which renters establish a  
18 profile and select preferences for rental needs which establish  
19 the terms and conditions governing the use of a rental car rented  
20 by a car rental company by a participant in a master rental  
21 agreement;

22 (11) "Material restriction", a restriction, limitation or  
23 other requirement which significantly affects the price of, use  
24 of, or a consumer's financial responsibility for a rental car;

25 (12) "Rental agreement", any document or combination of  
26 documents, which, when read together and incorporated by  
27 reference to each other, relate to and establish the terms and  
28 conditions of the rental of a motor vehicle by an individual; or



1 when such a combination of documents is entered into as part of  
2 any written master, corporate, group or individual agreement  
3 setting forth the terms and conditions governing the use of a  
4 rental car rented by a car rental company.

5 (13) "Vehicle license fees", charges that may be imposed  
6 upon any transaction originating in the State of Missouri to  
7 recoup costs incurred by a car rental company to license, title,  
8 inspect, register, plate, and pay personal property taxes on  
9 rental vehicles.

10 407.732. 1. Any advertisement shall be nondeceptive and in  
11 plain language. Deception may result not only from a direct  
12 statement in the advertisement and from reasonable inferences  
13 therefrom, but also from omitting or obscuring a material  
14 restriction or fact.

15 2. Print advertisements that include prices for car rentals  
16 shall make clear and conspicuous disclosure of the following  
17 applicable restrictions:

18 (1) The expiration date of the price offered if it is  
19 available for less than thirty days after the last date of  
20 publication of the advertisement;

21 (2) The existence of any geographical limitations on use;

22 (3) The extent of any advance reservation or advance  
23 payment requirements;

24 (4) Airport access fee disclosure;

25 (5) The existence of any penalties or higher rates that may  
26 apply for early or late returns for weekly or weekend rentals;

27 (6) Existence of additional driver fee;

28 (7) The existence of blackout dates or specific blackout

1 dates for location specific advertisements;

2 (8) Nonavailability of offer at all locations;

3 (9) Disclosure of mileage caps and charges;

4 (10) Disclosure of collision damage waiver costs.

5  
6 Print advertisements that include prices for car rentals, where  
7 mileage fees apply to the advertised price, shall prominently  
8 disclose this extraordinary material restriction. Print  
9 advertisements that include prices for car rentals, where a  
10 company sells collision damage waiver to the public and does not  
11 include this cost in the advertised rate, shall prominently  
12 disclose the price for collision damage waiver.

13 3. Broadcast commercials that include prices shall indicate  
14 whether substantial restrictions apply and shall include:

15 (1) The expiration date of the price offered if the  
16 advertised price is available for less than thirty days;

17 (2) Nonavailability of the advertised price in certain  
18 locations if that is the case;

19 (3) Mileage limitations and charges, if any;

20 (4) Price or price range for collision damage waiver.

21 4. Any advertised price shall be available in sufficient  
22 quantity to meet reasonably expected public demand for the rental  
23 cars advertised for the entire advertised period, beginning on  
24 the day on which the advertisement appears and continuing at  
25 least thirty days thereafter, unless the advertisement clearly  
26 and conspicuously discloses a shorter or longer expiration date  
27 for the offer, and in that event, through the expiration date.  
28 Prices may be advertised although less cars are available than

1 would be required to meet the expected demand, as long as this  
2 limitation is clearly and conspicuously set forth in the  
3 advertisement and a reasonable number of cars are made available  
4 at the advertised price.

5 5. [Any surcharge or fee, including, but not limited to,  
6 fuel surcharges, airport access fees, and surcharges in lieu of  
7 sales tax that consumers must generally pay at any location in  
8 order to obtain or operate a rental vehicle shall be clearly and  
9 conspicuously disclosed when a price is advertised.] The  
10 existence of each additional fee, charge, or surcharge that a  
11 consumer must pay and which may be imposed as a separately stated  
12 charge on a rental transaction including, but in no way to be  
13 construed as limited to, airport fees and vehicle license fees  
14 shall be disclosed any time a price is advertised and each fee,  
15 charge, or surcharge shall be clearly and conspicuously disclosed  
16 on the rental agreement.

17 6. A photograph of a rental car shall not be used in a  
18 price advertisement unless the advertisement clearly and  
19 conspicuously discloses, in immediate proximity to the  
20 photograph, the cost to rent the car depicted. A photograph of a  
21 rental car shall not be used in an advertisement if the  
22 advertisement states directly or by implication that the  
23 automobile depicted may be rented under certain conditions and  
24 that is not the case.

25 7. Any price advertised as a "daily price" or "price per  
26 day" shall be available for rentals of a single day or more, and  
27 any price advertised as a "weekly" rate shall be available for  
28 the first week and for subsequent weeks of the same rental. A

1 rental company shall not charge more than a weekly price which  
2 was advertised if a customer on a weekly rental returns the car  
3 earlier than seven days. A price advertised as a "weekend rate"  
4 shall be available on both Saturday and Sunday.

5 8. Any car rental advertising promotion which extends a  
6 free offer or promises a gift or other incentive shall clearly  
7 and conspicuously disclose all the terms and conditions for  
8 receiving the offer, gift or incentive. A gift, incentive, or  
9 other merchandise or service shall not be advertised as free, if  
10 the cost of the item, in whole or in part, is included in the  
11 advertised rental rate. If the gift or offer is provided by a  
12 third party, the car rental company shall be fully responsible  
13 for providing the gift or offer under the terms and conditions  
14 disclosed.

15 9. A rental car shall not be advertised using the words  
16 "unlimited mileage" or other terms that suggest there are  
17 absolutely no mileage restrictions on the use of the rental  
18 vehicle only unless there are no geographical restrictions on the  
19 use of the vehicle.

20 10. At the time of the car rental transaction, the car  
21 rental company shall disclose the following:

- 22 (1) The total cost, including any airport access fees;
- 23 (2) Geographical limitations;
- 24 (3) Advance reservation or payment requirements;
- 25 (4) Penalties or higher rates that may apply for early or  
26 late returns for weekly or weekend rentals;
- 27 (5) Cost of additional driver fee;
- 28 (6) Blackout dates.

1           407.815. As used in sections 407.810 to 407.835, unless the  
2 context otherwise requires, the following terms mean:

3           (1) "Administrative hearing commission", the body  
4 established in chapter 621, RSMo, to conduct administrative  
5 hearings;

6           (2) "All-terrain vehicle", any motorized vehicle  
7 manufactured and used exclusively for off-highway use which is  
8 fifty inches or less in width, with an unladen dry weight of six  
9 hundred pounds or less, traveling on three, four or more low  
10 pressure tires, with a seat designed to be straddled by the  
11 operator, and handlebars for steering control;

12           (3) "Coerce", to force a person to act in a given manner or  
13 to compel by pressure or threat but shall not be construed to  
14 include the following:

15           (a) Good faith recommendations, exposition, argument,  
16 persuasion or attempts at persuasion;

17           (b) Notice given in good faith to any franchisee of such  
18 franchisee's violation of terms or provisions of such franchise  
19 or contractual agreement;

20           (c) Any other conduct set forth in section 407.830 as a  
21 defense to an action brought pursuant to sections 407.810 to  
22 407.835; or

23           (d) Any other conduct set forth in sections 407.810 to  
24 407.835 that is permitted of the franchisor or is expressly  
25 excluded from coercion or a violation of sections 407.810 to  
26 407.835;

27           (4) "Franchise" or "franchise agreement", a written  
28 arrangement or contract for a definite or indefinite period, in

1     which a person grants to another person a license to use, or the  
2     right to grant to others a license to use, a trade name,  
3     trademark, service mark, or related characteristics, in which  
4     there is a community of interest in the marketing of goods or  
5     services, or both, at wholesale or retail, by agreement, lease or  
6     otherwise, and in which the operation of the franchisee's  
7     business with respect to such franchise is substantially reliant  
8     on the franchisor for the continued supply of franchised new  
9     motor vehicles, parts and accessories for sale at wholesale or  
10    retail;

11         (5) "Franchisee", a person to whom a franchise is granted;

12         (6) "Franchisor", a person who grants a franchise to  
13    another person;

14         (7) "Motor vehicle", for the purposes of sections 407.810  
15    to 407.835, any motor-driven vehicle required to be registered  
16    pursuant to the provisions of chapter 301, RSMo, or any engine,  
17    transmission, or rear axle, regardless of whether attached to a  
18    vehicle, chassis, manufactured for installation in any motor-  
19    driven vehicle required to be registered under the provisions of  
20    chapter 301, RSMo, that has the transport of a person or persons,  
21    or property, on a public highway as its primary purpose and a  
22    gross vehicle weight rating of more than sixteen thousand pounds,  
23    except that, motorcycles and all-terrain vehicles as defined in  
24    section 301.010, RSMo, shall not be included;

25         (8) "New", when referring to motor vehicles or parts, means  
26    those motor vehicles or parts which have not been held except as  
27    inventory, as that term is defined in subdivision (4) of section  
28    400.9-109, RSMo;

1           (9) "Person", a natural person, sole proprietor,  
2     partnership, corporation, or any other form of business entity or  
3     organization.

4           488.006. For any infraction, unless otherwise provided by  
5     law, all court costs, fees, surcharges, and other miscellaneous  
6     charges shall be assessed in the same manner and amount as a  
7     misdemeanor.

8           537.055. In any action to recover damages arising out of  
9     the ownership, common maintenance, or operation of a motor  
10    vehicle, the type of vehicle a party was operating shall not, in  
11    and of itself, be considered evidence of comparative negligence.

12          556.021. 1. An offense defined by this code or by any  
13     other statute of this state constitutes an "infraction" if it is  
14     so designated or if [no other sentence than a fine, or fine and  
15     forfeiture or other civil penalty is authorized upon conviction]  
16     a violation of the statute can result only in a fine, forfeiture,  
17     or other civil penalty, or any combination thereof.

18          2. [An infraction does not constitute a crime and  
19     conviction of an infraction shall not give rise to any disability  
20     or legal disadvantage based on conviction of a crime.] A  
21     determination of whether an infraction has occurred shall be made  
22     by the filing of a civil action. The action shall be filed by a  
23     person who is authorized to bring a criminal action or an action  
24     to enforce an ordinance if the conduct constituted a crime or  
25     ordinance violation. The action shall be brought in the name of  
26     the state of Missouri or appropriate political subdivision. An  
27     infraction violation shall be proven by a preponderance of the  
28     evidence but shall not be tried to a jury. If an infraction

1 violation is proven, judgment shall be entered for the plaintiff.

2 3. Notwithstanding any other provision of law to the  
3 contrary, it shall be the duty of the operator or driver of any  
4 vehicle or the rider of any animal traveling on the roads of this  
5 state to stop on signal of any law enforcement officer and to  
6 obey any other reasonable signal or direction of such law  
7 enforcement officer given in the course of enforcing any  
8 infraction. Any person who willfully fails or refuses to obey  
9 any signal or direction of a law enforcement officer given in the  
10 course of enforcing any infraction, or who willfully resists or  
11 opposes a law enforcement officer in the proper discharge of his  
12 or her duties in the course of enforcing any infraction, shall be  
13 guilty of a class A misdemeanor and on plea or finding of guilt  
14 thereof shall be punished as provided by law for such offenses.

15 4. The supreme court of Missouri may promulgate rules for  
16 the enforcement of this section.

17 577.029. A licensed physician, registered nurse, or trained  
18 medical technician at the place of his employment, acting at the  
19 request and direction of the law enforcement officer, shall  
20 withdraw blood for the purpose of determining the alcohol content  
21 of the blood, unless such medical personnel, in his good faith  
22 medical judgment, believes such procedure would endanger the life  
23 or health of the person in custody. Blood may be withdrawn only  
24 by such medical personnel, but such restriction shall not apply  
25 to the taking of a breath test, a saliva specimen, or a urine  
26 specimen. In withdrawing blood for the purpose of determining  
27 the alcohol content thereof, only a previously unused and sterile  
28 needle and sterile vessel shall be utilized and the withdrawal



1 shall otherwise be in strict accord with accepted medical  
2 practices. [A nonalcoholic antiseptic shall be used for  
3 cleansing the skin prior to venapuncture.] Upon the request of  
4 the person who is tested, full information concerning the test  
5 taken at the direction of the law enforcement officer shall be  
6 made available to him.

7 577.039. An arrest without a warrant by a law enforcement  
8 officer, including a uniformed member of the state highway  
9 patrol, for a violation of section 577.010 or 577.012 is lawful  
10 whenever the arresting officer has reasonable grounds to believe  
11 that the person to be arrested has violated the section, whether  
12 or not the violation occurred in the presence of the arresting  
13 officer [and when such arrest without warrant is made within one  
14 and one-half hours after such claimed violation occurred, unless  
15 the person to be arrested has left the scene of an accident or  
16 has been removed from the scene to receive medical treatment, in  
17 which case such arrest without warrant may be made more than one  
18 and one-half hours after such violation occurred].

19 [390.071. 1. No person shall engage in the  
20 business of a motor carrier in interstate commerce on  
21 any public highway in this state unless there is in  
22 force with respect to such carrier a permit issued by  
23 the division of motor carrier and railroad safety  
24 authorizing such operations.

25 2. Upon application to the division in writing,  
26 containing such information as the division may by rule  
27 require, accompanied by a copy of applicant's  
28 certificate of public convenience and necessity or  
29 permit issued by the Interstate Commerce Commission,  
30 the filing of such liability insurance policy or bond  
31 and other formal documents as the division shall by  
32 rule require, the division, if it finds applicant  
33 qualified, shall, with or without hearing, issue a  
34 permit authorizing the proposed interstate operations.]  
35

36 [622.095. 1. In addition to its other powers,

1 the state highways and transportation commission may  
2 negotiate and enter into fair and equitable cooperative  
3 agreements or contracts with other states, the District  
4 of Columbia, territories and possessions of the United  
5 States, foreign countries, and any of their officials,  
6 agents or instrumentalities, to promote cooperative  
7 action and mutual assistance between the participating  
8 jurisdictions with regard to the uniform administration  
9 and registration, through a single base jurisdiction  
10 for each registrant, of Federal Motor Carrier Safety  
11 Administration operating authority and exempt  
12 operations by motor vehicles operated in interstate  
13 commerce. Notwithstanding any other provision of law  
14 to the contrary, and in accordance with the provisions  
15 of such agreements or contracts between participating  
16 jurisdictions, the commission may:

17 (1) Delegate to other participating jurisdictions  
18 the authority and responsibility to collect and pay  
19 over statutory registration, administration or license  
20 fees; to receive, approve and maintain the required  
21 proof of public liability insurance coverage; to  
22 receive, process, maintain and transmit registration  
23 information and documentation; to issue evidence of  
24 proper registration in lieu of certificates, licenses,  
25 or permits which the commission may issue motor vehicle  
26 licenses or identifiers in lieu of regulatory licenses  
27 under section 390.136, RSMo; and to suspend or revoke  
28 any credential, approval, registration, certificate,  
29 permit, license, or identifier referred to in this  
30 section, as agents on behalf of the commission with  
31 regard to motor vehicle operations by persons having a  
32 base jurisdiction other than this state;

33 (2) Assume the authority and responsibility on  
34 behalf of other jurisdictions participating in such  
35 agreements or contracts to collect and direct the  
36 department of revenue to pay over to the appropriate  
37 jurisdictions statutory registration, administration or  
38 license fees, and to perform all other activities  
39 described in subdivision (1) of this subsection, on its  
40 own behalf or as an agent on behalf of other  
41 participating jurisdictions, with regard to motor  
42 vehicle operations in interstate commerce by persons  
43 having this state as their base jurisdiction;

44 (3) Establish or modify dates for the payment of  
45 fees and the issuance of annual motor vehicle licenses  
46 or identifiers in conformity with such agreements or  
47 contracts, notwithstanding any provisions of section  
48 390.136, RSMo, to the contrary; and

49 (4) Modify, cancel or terminate any of the  
50 agreements or contracts.

51 2. Notwithstanding the provisions of section

1 390.136, RSMo, statutory registration, administration  
2 or license fees collected by the commission on behalf  
3 of other jurisdictions under such agreements or  
4 contracts are hereby designated as "nonstate funds"  
5 within the meaning of section 15, article IV,  
6 Constitution of Missouri, and shall be immediately  
7 transmitted to the department of revenue of the state  
8 for deposit to the credit of a special fund which is  
9 hereby created and designated as the "Base State  
10 Registration Fund". The commission shall direct the  
11 payment of, and the director of revenue shall pay, the  
12 fees so collected to the appropriate other  
13 jurisdictions. All income derived from the investment  
14 of the base state registration fund by the director of  
15 revenue shall be credited to the state highways and  
16 transportation department fund.

17 3. "Base jurisdiction", as used in this section,  
18 means the jurisdiction participating in such agreements  
19 or contracts where the registrant has its principal  
20 place of business.

21 4. Every person who has properly registered his  
22 or her interstate operating authority or exempt  
23 operations with his or her base jurisdiction and  
24 maintains such registration in force in accordance with  
25 such agreements or contracts is authorized to operate  
26 in interstate commerce within this state any motor  
27 vehicle which is accompanied by a valid annual license  
28 or identifier issued by his base jurisdiction in  
29 accordance with such agreements or contracts,  
30 notwithstanding any provision of section 390.071,  
31 390.126 or 390.136, RSMo, or rules of the commission to  
32 the contrary.

33 5. Notwithstanding any provision of law to the  
34 contrary, the commission may stagger and prorate the  
35 payment and collection of license fees pursuant to this  
36 section for the purposes of:

37 (1) Coordinating the issuance of regulatory  
38 licenses under this section with the issuance of other  
39 motor carrier credentials; and

40 (2) Complying with any federal law or  
41 regulation.]

42  
43 Section B. The repeal and reenactment of sections 302.272,  
44 302.275, and 302.321 and the enactment of sections 385.400,  
45 385.403, 385.406, 385.409, 385.412, 385.415, 385.418, 385.421,  
46 385.424, 385.427, 385.430, 385.433, and 385.436 of this act shall  
47 become effective January 1, 2008.

1           Section C. Because of the need to ensure that private  
2 organizations are not financially restrained from providing  
3 transportation services to children in buses that otherwise  
4 address the safety concerns of the child passenger restraint law,  
5 because of the need to provide Missouri motorists with a method  
6 to replace stolen license plate tabs without administrative red  
7 tape and because of the need to verify the payment of  
8 registration fees, and because of the necessity to protect the  
9 citizens of this state from uninsured motorists, the repeal and  
10 reenactment of sections 301.301, 303.415, and 307.179 of this act  
11 is deemed necessary for the immediate preservation of the public  
12 health, welfare, peace, and safety, and is hereby declared to be  
13 an emergency within the meaning of the constitution, and the  
14 repeal and reenactment of sections 301.301, 303.415, and 307.179  
15 of this act shall be in full force and effect upon its passage  
16 and approval.

17           Section D. The provisions of sections 385.400, 385.403,  
18 385.406, 385.409, 385.412, 385.415, 385.418, 385.421, 385.424,  
19 385.427, 385.430, 385.433, and 385.436 are severable. If any  
20 part of sections 385.400, 385.403, 385.406, 385.409, 385.412,  
21 385.415, 385.418, 385.421, 385.424, 385.427, 385.430, 385.433,  
22 and 385.436 is declared invalid or unconstitutional, it is the  
23 intent of the legislature that the remaining portions of sections  
24 385.400, 385.403, 385.406, 385.409, 385.412, 385.415, 385.418,  
25 385.421, 385.424, 385.427, 385.430, 385.433, and 385.436 shall  
26 remain and be in full force and effect.